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ACTS
OF
THE GENERAL ASSEMBLY
OF
THE STATE OF GEORGIA,
PASSED IN
MILLEDGEVILLE,
AT AN
ANNUAL SESSION
IN
NOVEMBER AND DECEMBER,
1861.

PUBLISHED BY AUTHORITY.

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EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GA., December 20th, 1861. }

WM. H. HUNT, Esq.,

Compiler of the Laws of 1861 :

SIR : In compiling and preparing for publication, the Acts passed at the late Session of the General Assembly, you will abbreviate the enacting and repealing clauses, as has been the custom for several years past, where the same can be done without changing the true import of the Acts.

Respectfully, &c.,

JOSEPH E. BROWN, Governor.

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PART I.—PUBLIC LAWS.

TITLE I.

AGRICULTURE AND COMMERCE.

- | | |
|--|---|
| SEC. 1. \$50,000 appropriated to encourage the manufacture of salt in Georgia. | SEC. 6. Location of main office and branches. |
| " 2. May be advanced in parts to different persons or Companies. | " 7. Officers of the Company—when Company may organize. |
| " 3. Direct Trading Company of Georgia, incorporated. | " 8. May insure cotton against fire on sea or land, and act as agent of Foreign Insurance Companies in Georgia. |
| " 4. The Company may own real-estate, Ware-houses, vessels, &c. | " 9. Personal liability of the stockholders for debts of the Company. |
| " 5. Capital stock \$1,000,000, which may be increased to \$3,000,000. | " 10. Duration of charter 20 years. |

(No. 1.)

An Act to encourage the manufacture of Salt within the limits of the State of Georgia, and for other purposes.

WHEREAS, The supply of salt, in consequence of the blockade of the ports of this State, is exceedingly limited, and much inconvenience must result to the people unless measures are afforded to manufacturers of said article.

1. SEC. I. *Be it enacted*, That his Excellency the Governor of this State, be and he is hereby authorized to draw his warrant upon the Treasury of this State, for the sum of fifty thousand dollars; which said sum, in his discretion, shall be advanced without interest, to any Company or Corporation, which has been or may hereafter be established in this State for the manufacture of salt: the advance so made to be secured to the State by mortgage, or otherwise, and to be refunded to the Treasury aforesaid, at such time or times, as may be designated by the said Governor, after peace shall have been restored between the United States and Confederate States of America.

2. SEC. II. *Be it further enacted*, That the Governor is hereby authorized to draw his warrant, or several warrants, upon the Treas-

Proviso

\$50,000 appropriated to encourage the manufacture of Salt.

Direct Trade and Navigation Company.

May be ad- vanced in parts to dif- ferent persons or companies. vury of Georgia, in favor of such persons or Corporations as may be engaged, or may hereafter engage in the manufacture of salt, not to exceed in all the sum of fifty thousand dollars; and the Governor may draw for any part of said sum, in favor of any responsible parties or corporations, in sums as may be, in each case, agreed upon; *Provided*, that in each case, before the same shall be drawn from the Treasury, good and sufficient security shall be given by the party or corporation in whose favor it shall be made, in bond or mortgage; the sufficiency of the security to be judged of by the Governor, and the time of repayment to the State to be likewise stipulated by his Excellency; *Provided*, that no interest shall be charged on the sum or sums so advanced.

Terms upon which advanced.

SEC. III. Repeals conflicting laws.

Assented to December 16, 1861.

(No. 2.*)

An Act to incorporate the Direct Trading & Navigation Company of Georgia, and for other purposes.

Corporators.

Direct Trading Company of Georgia incorporated.

Powers.

By laws.

3. SECTION I. *Be it enacted*, That Perino Brown, C. G. Baylor, Thomas P. Fleming, A. S. Atkinson and William J. Russell, of the State of Georgia, their associates, successors or assigns be, and the same are hereby incorporated and made a body politic, under the name and style of the "Direct Trading Company of Georgia"; and by that name shall be capable in law, of suing and being sued, in any of the Courts of this State; to make, have and use a common seal, and the same to alter, or renew, as they may deem proper; and also to make, ordain, and establish, alter or amend such by-laws, ordinances and regulations as shall seem to them necessary and convenient, for the organization of said Company—the election of its Directors—the subscription to its stock—the selection of the officers of the Company—prescribing the duties, compensation and responsibilities of the same; and generally to provide for the Government of said Company, in accordance with the forms, usages and stipulations of corporate bodies in this State; said by-laws and regulations not being contrary to the Constitution of this State or of the Confederate States, or repugnant to, or inconsistent with the fundamental laws of this Corporation, as hereinafter set forth and enacted by the authority aforesaid.

May own real estate, warehouses, &c.

4. SEC. II. *Be it further enacted*, That the said Company shall be capable of holding, owning and retaining such real-estate, buildings and ware-houses, in the State of Georgia, as may be necessary for the transaction of its business; and shall have power to conduct and carry on a general Foreign and Domestic, Mercantile and Exchange business, and own ships or sea going vessels propelled by sail, or steam, or import by steam or sail.

* Another Act was passed during the late Session, incorporating the "Direct Trading Company of Georgia," which was, word for word, like this one, except the 6th Sec. as embraced in this, which was entirely wanting; and by direction of the Governor, this one only of the two is published.—COMPILEK.

Direct Trade and Navigation Company.

5. SEC. III. *Be it further enacted*, That the capital stock of said Company shall consist of one million of dollars, which may be increased by the stockholders, at a regular meeting, to a sum not exceeding three millions of dollars; which shall be divided into shares of one hundred dollars each. Capital \$1,000,000.

6. SEC. IV. *Be it further enacted*, That said Company shall have power to establish the main office of the same, in any City or Sea Port Town of Georgia, with such Branches or Agencies in any Town or district of the State, as it may deem necessary in conducting its commercial and exchange transactions. Location of main office.
Branches.

7. SEC. V. For the well ordering of the affairs of said Company, there shall be elected by the stockholders, a President and Cashier, and not less than three Directors or business Managers, so soon as two thousand bales of cotton, or one hundred thousand dollars in Confederate or State Bonds or current Bank notes, or specie to a similar amount, shall have been subscribed to the stock of, or received by said Company. Officers of the Company.
When Company may organize.

8. SEC. VI. *And be it further enacted*, That said Company shall have power to grant policies of insurance upon Cotton, against risk by fire on sea or land; and to act as Agent for European Insurance Companies within the State of Georgia, subject always to the laws of this State relating to Foreign Insurance Companies. May insure cotton against fire on sea or land.
May act as agent of foreign Insurance companies in Ga.

9. SEC. VII. *Be it further enacted*, That the private property of stockholders of said Company, shall be liable and bound to the number and amount of shares or stock subscribed or held by each individually, and no more, for the payment and discharge of the debts, and obligations of said Company. Personal liability of the Stockholders.

10. SEC. VIII. *Be it further enacted by the authority aforesaid*, That this charter shall last, continue and pertain, to said Company incorporated as aforesaid, for and during the period of twenty years from and after the passage of this Act. Duration of charter 20 years.

11. SEC. IX. Repeals conflicting laws.

Assented to December 17, 1861.

TITLE II.

APPROPRIATIONS.

- Sec. 1. Salary of the Governor, of Secretary of State and Treasurer, of Comptroller General, of Secretaries of Executive Department. Pay of Messenger to Executive Department. Salary of State Librarian, of Attorney and Solicitors General, of Judges of the Supreme Court, of Judges of the Superior Courts, of Reporter of decisions of Supreme Court.
- " 2. Appropriation to pay for publishing General Orders by Major and Brigadier Generals.
- " 3. Contingent fund—Printing fund. Pay to Chaplain of Penitentiary. Pay for cleaning and taking care of Senate Chamber and House of Representatives. Pay of joint committee who visited Academy for the Blind.
- " 4. Pay of State House Guard. Appropriation to buy books for the State Library in 1862. Appropriation to Clerk of Supreme Court, to pay for stationery, advertising meetings of Court, &c. To pay for keeping in repair and winding up State House Clock in 1862. Salary of Superintendent of Georgia Military Institute. Appropriation to Col. A. V. Brumby, Capt. Thomas R. McConnell and Capt. R. S. Camp.
- " 5. *Per diem* pay of President Senate and Speaker House of Representatives, their mileage. *Per diem* of Members of General Assembly, their mileage.
- " 6. Pay of Secretary of Senate, of Clerk of House Representatives.
- " 7. Contingent expenses of Secretary Senate and Clerk House Representatives. Pay of Messengers and Door-Keepers to Senate and House Representatives. Pay for cleaning and lighting chandeliers.
- " 8. State Treasurer to make advance payments to officers of Government.
- " 9. Governor to pay for services rendered where no appropriation is made.
- " 10. General appropriation to pay fixed salaries.
- " 11. Appropriation to the Georgia Relief and Hospital Association.
- " 12. Appropriation to pay Public Debt and interest thereon, as they fall due.
- " 13. State Bonds or Treasury Notes may be issued to meet appropriations by this Act, if money not in Treasury; kind to be issued.
- " 14. Appropriation to John M. Cooper & Co.
- " 15. Appropriation to pay guard of State Magazine; to pay Military Store Keeper at Savannah; to pay Military Store Keeper at Milledgeville.
- " 16. Appropriation to pay expenses of Electoral College for President and Vice President, to pay Major J. H. Steele as Secretary to Electoral College.
- " 17. Appropriation to pay balance to Commissioners to other States, sent by State Convention.
- " 18. Certain Clerks allowed to Comptroller General.
- " 19. Appropriation for relief of sufferers by late fire in Charleston.
- " 20. Military fund of \$5,000,000 for 1862.
- " 21. Pay to Clerk of Judiciary Committee of Senate.
- " 22. Appropriation to Major H. J. G. Williams.
- " 23. Governor authorized to draw \$100,000 for support of State Troops.

(No 3.)

An Act to provide for raising a revenue for the political year 1862, and to appropriate money for the support of the Government during said year, and to make certain special appropriations, and for other purposes therein named.

1. SECTION I. *Be it enacted by the General Assembly of Georgia, That the following sums of money be, and the same are hereby appropriated, to the respective persons and objects hereinafter named, viz: The sum of Four Thousand Dollars to his Excellency the Governor, as his salary for the year 1862; and the further sum of Sixteen Hundred Dollars each to the Secretary of State and Treasurer, and no more; and the sum of Two Thousand Dollars to the Comptroller General for the year 1862, and no more; and the sum of Twelve Hundred Dollars each to the Secretaries (not exceeding two) employed in the Executive Department, for the year 1862,*

Salary of Gov.
for 1862.

Salary of Sec-
retary of State
and Treasurer
for 1862.
Salary of
Compr. Gen.
for 1862.
Salary of Sec-
retaries Ex-
Dept. for 1862.

Salaries of Judges—Contingent Fund—Printing Fund—Chaplain of the Penitentiary—State House Guard.

and no more; and the sum of Five Hundred Dollars to pay the Messenger to the Executive Department for the year 1862; and the sum of Five Hundred Dollars to the State Librarian, as his salary for the year 1862, and no more; and the sum of Two Hundred and Twenty-Five Dollars to each, the State's Attorney, and Solicitors General, for the year 1862: and the sum of Thirty-Five Hundred Dollars to each Judge of the Supreme Court, whose commission bears date prior to the 29th day of November, 1861; and the sum of Two Thousand Dollars to each Judge of the Supreme Court, whose commission bears date since the 29th day of November, 1861, for his salary for the year 1862; and the sum of Twenty-Five Hundred Dollars to each Judge of the Superior Courts, whose commission bears date prior to the 29th day of November, 1861; and the sum of Fifteen Hundred Dollars to each Judge of the Superior Courts, whose commission bears date since the 29th day of November, 1861, as his salary for the year 1862; and the sum of Eight Hundred Dollars is hereby appropriated to pay the salary of the Reporter of the Decisions of the Supreme Court for the year 1862.

Pay of Messenger to Ex. Dept for 1862.

Salary of State Librarian for 1862.

Salary of Attorney Gen & Solicitors Gen for 1862.

Salaries of Judges of Supreme Court for 1862.

Salaries of Judges of Sup'r. Court, for 1862.

Salary of Reporter of Supreme Court for 1862.

2. SEC. II. *Be it further enacted*, That the sum of One Thousand Dollars (or so much thereof as may be necessary) be, and the same is hereby appropriated for the purpose of defraying the expense of the publication of general orders by the Brigadier Generals and Major Generals of the Militia of this State, of their respective Brigades and Divisions.

To pay for publishing military orders.

3. SEC. III. *Be it further enacted*, That the sum of Sixteen Thousand Dollars be, and the same is hereby appropriated, as a contingent fund for the year 1862; and the sum of Thirty Thousand Dollars be appropriated for a Printing fund for the current year; and that in case of a deficiency in this appropriation, the Governor is hereby authorized to draw his warrant upon the Treasury for the deficit, to be paid out of any money in the Treasury not otherwise appropriated; and the sum of One Hundred and Fifty Dollars to pay the Chaplain of the Penitentiary for the year 1862; and the sum of Fifty Dollars to the person selected by the Governor to keep clean, scour, air the chambers, and dust the carpets, &c., of the Senate Chamber and Representative Hall, for the year 1862. and the sum of Forty-Five Dollars to pay the expenses of the Committee of the two Houses, which visited the Academy for the Blind.

Contingent fund for 1862.

Printing fund for 1862.

Provision for deficit.

Chaplain of Penitentiary.

For cleaning and taking care of Senate Chamber and Rep. Hall for 1862.

To the committee that visited Academy of the Blind.

4. SEC. IV. *Be it further enacted*, That the sum of Twelve Hundred Dollars be, and the same is hereby appropriated to pay the State House Guard, for the year 1862; and the further sum of Two Hundred and Fifty Dollars is hereby appropriated, to be used if necessary, by his Excellency the Governor, for the increase of the State Library, in selecting and purchasing such books as he may deem advisable for the year 1862; and the further sum of One Hundred Dollars be, and the same is hereby appropriated, to pay the Clerk of the Supreme Court for the correction of errors, for stationery, and advertising notices of the meeting of said Court in

State House Guard for 1862.

To buy books for State Library in 1862.

To Clk Sup'r Court for '62.

Georgia Military Institute—Secretary of Senate and Clerk of House of Representatives.

For repairing &c, State House clock for 1862. the year 1862; and the sum of Fifty Dollars be, and the same is hereby appropriated, to pay for repairing and keeping in order the State House clock for the year 1862; and the further sum of Two Thousand Dollars is hereby appropriated to pay the salary of the Superintendent of the Georgia Military Institute at Marietta; and the sum of Six Hundred and Eighty-nine Dollars and Eighty Cents, or so much thereof as the Governor may find to be due, be and the same is hereby appropriated to pay arrearages due to Col. A. V. Brumby, Captain Thomas R. McConnell, and Captain R. S. Camp, for their salaries as Superintendent, and Professors, of the Georgia Military Institute, for the year 1859; and that the Governor do draw his warrant on the Treasury in favor of the widow of said McConnell, for that portion of this appropriation which is due to her deceased husband, to-wit: the sum of Two Hundred and Twenty-five Dollars and Fifty Cents.

5. SEC. V. *And be it further enacted*, That the sum of Six Dollars each, per day, be paid to the President of the Senate, and Speaker of the House of Representatives, during the present session of the General Assembly; and the sum of Four Dollars for every twenty miles of travel going to, and returning from the seat of Government—the distance to be computed by the nearest route usually travelled; and that the sum of Five Dollars each, per day, to the Members of the General Assembly, during the present session, and Four Dollars for every twenty miles travel going to, and returning from the Capital, under the same rules which apply to the President of the Senate and Speaker of the House: *Provided*, That no Member of the General Assembly shall receive pay for the time he may be absent, unless his absence was caused by the sickness of himself or family, or had leave of absence granted by the Senate or House, for satisfactory reasons.

6. SEC. VI. *And be it further enacted*, That the Secretary of the Senate be paid Eighty-Seven Dollars and Fifty Cents per day, for the present session; and the Clerk of the House of Representatives be paid the sum of One Hundred Dollars per day, for the present session: *Provided*, That no warrant shall be issued in favor of either until his Excellency the Governor shall have satisfactory evidence, that they have respectively made, or caused to be made, and attached to the Journals of their respective Houses, a good and sufficient index, and shall have carefully marked and filed away all reports of Standing Committees, and all other papers of importance connected with either House.

7. SEC. VII. *And be it further enacted*, That the sum of Fifty Dollars, or so much thereof as may be necessary, is hereby appropriated each to the Secretary of the Senate and Clerk of the House of Representatives, to defray the contingent expenses of their respective offices at the present session of the Legislature; and the sum of six dollars per day be paid to each of the Messengers and Door-keepers of the Senate and House of Representatives, the present session of the General Assembly; and the sum of Fifty Dollars is hereby appropriated to pay for cleaning, lighting, and keeping in

order the chandeliers of the Senate Chamber and Representative Hall, during the session of the General Assembly.

8. SEC. VIII. *And be it further enacted*, That the Treasurer be authorized to pay from time to time, to the officers of the Government, whose salaries are appropriated by this Act, seventy-five per cent of the amount for which service has been actually rendered at the date of such payment, taking receipts from said officers for the same: which receipts shall be his vouchers, and are hereby declared offsets to the extent of said payments to Executive warrants drawn at the end of the quarter for said officer's salary.

9. SEC. IX. *And be it further enacted*, That in all case, where the General Assembly directs the performance of any service or labor, for which no provision for compensation is made, the Governor is hereby authorized to draw his warrant on the Treasury for such sum or sums, as in his judgment, may be a just compensation.

10. SEC. X. *And be it further enacted*, That the various sums of the annual salaries of all the officers of this State, whose salaries are fixed by law, be and the same are hereby appropriated annually, to pay said salaries, until they are otherwise altered by law.

11. SEC. XI. *And be it further enacted* That the sum of Two Hundred Thousand Dollars be, and the same is hereby appropriated for the Georgia Relief and Hospital Association; to be drawn and expended according to an act passed at the present session: and if no money in the Treasury not otherwise appropriated shall be available for said appropriation, then his Excellency the Governor be, and he is hereby authorized to issue Treasury Notes or Bonds, not to bear exceeding eight per cent, in such sums as may be needed from time to time, to effect the object of said appropriation; said Treasury notes to be fundable in eight per cent bonds when the sum of five hundred dollars shall be presented at the Treasury; said bonds not having longer to run than ten years, and to be redeemed at the option of the Governor, twelve months from and after their issue.

12. SEC. XII. *Be it further enacted*, That the further sum of seven hundred thousand dollars be, and the same is hereby appropriated, to pay any portion of the public debt which may become due within the present political year, and to pay the interest on such Treasury Notes and State Bonds as may be issued under authority of any law passed during the present session of the Legislature; the same to be paid out of any money in the treasury not otherwise appropriated.

13. SEC. XIII. In case, at at any time, the money should not be in the treasury to meet any of the appropriations herein made, the Governor is authorized to have issued and used to meet any deficiency, bonds bearing not more than eight per cent, or treasury notes, as he may deem best; said bonds when issued, not to run for a longer time than thirty years, and redeemable at any time after five years from their date, at the option of the Governor.

14. SEC. XIV. *And be it further enacted*, That the sum of seventy-seven dollars and seven cents, be appropriated to pay John M.

Pay for cleaning and lighting Chandeliers during session.

State Treasurer to make advance payments to officers of Government.

Gov to pay for services rendered where no appropriation is made.

General appropriation to pay salaries.

Ga. Relief & Hospital Association.

If amount be not in Treasury not otherwise appropriated, Gov to issue Treasury Notes or State Bonds.

To pay the public debt as it may become due, or the interest thereon.

If the money should not be in the Treasury to meet any appropriations made in this act, Gov may issue State Bonds or Treasury Notes, for the deficit.

Kind of bonds and Treasury Notes to be issued.

Pay to Jno M Cooper & Co

Military Store Keepers—Electoral College—Commissioners appointed by Convention—Charleston.

for public printing done by them for State Convention. Cooper & Co., for public printing done for the Convention of the people of Georgia while sitting in Savannah.

To pay guard of State Magazine at Milledgeville. Pay to State Military store Keeper in Savannah. Pay to State Military store keeper in Milledgeville. 15. SEC. XV. *And be it further enacted*, That the sum of four hundred dollars, or so much thereof as may be necessary, be and is hereby appropriated to pay for the Guard at the State magazine at Milledgeville, for the year 1862; and the further sum of five hundred dollars is hereby appropriated to pay the Military Store Keeper in the city of Savannah, and a like sum to pay the Military Store Keepers in Milledgeville.

Pay of expenses of Electoral College. Pay to John H. Steele, Sec'y. of Electoral College. 16. SEC. XVI. *Be it further enacted*, That His Excellency the Governor be, and he is hereby authorized to draw his warrant on the Treasury of this State, for such an amount of money as will be necessary to pay the expenses of the Electoral College, recently assembled at Milledgeville, for the election of President and Vice-President of the Confederate States; and the further sum of twenty-five dollars to pay John H. Steele for his services as Secretary of the Electoral College.

Pay of Commissioners to certain States sent by State Convention in addition to advances made to them respectively. 17. SEC. XVII. *Be it further enacted*, That the following be, and the same is hereby appropriated, to pay such of the Commissioners appointed by the Convention of Georgia to certain States, in addition to the advancements made by the Governor at the time of the appointments, to-wit:

To A. R. Wright, Commissioner to Maryland,	\$200 00
To D. C. Campbell, " " Delaware,	200 00
To H. L. Benning, " " Virginia,	200 00
To Samuel Hall, " " N. Carolina,	200 00
To H. P. Bell, " " Tennessee,	200 00
To N. C. Daniel, " " Kentucky,	200 00
To D. P. Hill, " " Arkansas,	200 00
To L. J. Glenn, " " Missouri,	200 00
To W. A. Vason, " " Louisianna,	200 00
To J. W. A. Sanford, " " Texas,	200 00

And the Governor is hereby authorized to draw his warrant upon the Treasury in favor of such of said Commissioners for the sums hereby appropriated.

Certain Clerks to Compt. Gen. 18. SEC. XVIII. *Be it further enacted*, That, to enable the Comptroller General to have the Bonds and Treasury Notes of the State recorded in his office in pursuance of the acts of the General Assembly, the Governor is hereby authorized to furnish to the Comptroller General one or more Clerks to keep up the registering of such Treasury Notes and Bonds; and the Governor is hereby directed to draw his warrant on the Treasury for adequate compensation for such Clerk or Clerks, to be selected by the Comptroller General.

Appropriation for relief of sufferers by the late fire in Charleston. 19. SEC. XIX. And that the further sum of one hundred thousand dollars be, and the same is hereby appropriated, for the relief of the unfortunate sufferers by the calamitous fire in Charleston, South Carolina; and that the Governor be authorized to tender said amount for the above purpose, to the Governor of South Car-

Military Fund—Clerk Senate Committee on Judiciary—H. J. G. Williams—Professors Ga. Mil. Ins.

olina, with the sincere sympathies of the General Assembly, in the misfortune of their seaport city.

20. SEC. XX. *Be it further enacted*, That the sum of five millions of dollars* be, and the same is hereby appropriated, as a military fund for the year eighteen hundred and sixty-two; to be drawn from the Treasury, on the warrants of the Governor, from time to time as the same may be required to defray either past or future expenses for military purposes.

Military fund
of \$5,000,000
for 1862.

21. SEC. XXI. That the sum of four dollars, per diem, be appropriated to pay the Clerk of the Senate Committee on the Judiciary for as many days as he has served said committee; and that the Auditing Committee of the Senate shall not be authorized to audit said Clerks account for any greater number of days than shall be certified to by the Chairman of said Judiciary Committee.

Pay to Clerk
of Senate
Committee
on Judiciary.

22. SEC. XXII. *Be it further enacted*, That the sum of Two Hundred Dollars be, and the same is hereby appropriated to H. J. G. Williams, in addition to what he has already received, as compensation for his services as an Enrolling Clerk of the late State Convention.

Appropriation
to H. J.
G. Williams.

23. SEC. XXIII. *Be it further enacted*, That the following sums be, and the same are hereby appropriated to pay the balance due to the several Professors of the Georgia Military Institute for the year 1861, viz: to V. H. Mauget five hundred and ninety-three dollars and twelve cents; to J. C. Eve fifty-four dollars and forty cents; to A. W. King five hundred and ninety-three dollars and twelve cents; to J. W. Barker seven hundred and fourteen dollars, making the sum of nineteen hundred and fifty-four dollars and sixty four cents.

To pay balance
due
Professors of
Georgia Military
Institute.

To V. H.
Mauget; J.
C. Eve;
A. W. King;
J. W. Barker.

24. SEC. XXIV. *And be it further enacted*, That the sum of six hundred and eighty-two dollars and seventy eight cents be, and the same is hereby appropriated to pay A. Green & Co., transferees of W. A. M. Lanier, for household and kitchen furniture, crockery, &c., purchased of said Lanier for the Georgia Military Institute, for the use of the State, on the tenth day of August, eighteen hundred and sixty; *Provided*, the Governor, after investigation, finds the same to be just and due.

To W. A. M.
Lanier for
certain furniture
supplied to
Georgia
Military
Institute.

25. SEC. XXV. *Be it further enacted*, That the sum of three hundred and eighty-nine dollars and eighty-five cents be, and the same is hereby appropriated to pay A. N. Simpson, Treasurer of the Georgia Military Institute for his services as such Treasurer since the purchase of said Institute by the State of Georgia.

To A. N.
Simpson, Tr.
Georgia
Military
Institute.

26. SEC. XXVI. *And be it further enacted*, That His Excellency the Governor be, and he is hereby authorized to draw his warrant upon the Treasurer for such sum of money, and as he may, upon proof thereof, find to be due and owing to William W. Boyd, former Commissary and Quartermaster of the Georgia Military Institute, for military goods, &c., sold by him to said Institute when the State took charge thereof.

To Wm. W.
Boyd, for
goods sold to
Georgia
Military
Institute
before
State took
charge of it.

*For appropriation of \$100,000 for support of State Troops, which was made for immediate relief to the Troops till the general military appropriation should be made, see next Act.

State Cadets—State Troops—Attorneys at Law who fail to pay Professional Tax.

To pay State
Cadets in
Georgia Mil-
itary Insti-
tute.

27. SEC. XXVII. *Be it further enacted*, That, in addition to the two thousand dollars appropriated for the education, board, &c., of the ten State Cadets in the Georgia Military Institute, the further sum of four hundred dollars be, and the same is hereby appropriated for the payment of the two additional State Cadets, one from each of the newly created Congressional Districts.

Assented to December 14, 1861.

(No. 4.)

An Act to authorize the Governor to draw money from the Treasury for support of the State Troops.

Governor au-
thorized to
draw \$100,-
000 for sup-
port of State
troops.

28. SEC. I. *The General Assembly of the State of Georgia do enact as follows*: That the Governor of the State of Georgia be, and he is hereby authorized to draw from the Treasury the sum of one hundred thousand dollars, to be used in the support of the State troops now employed in the defence of the State, or such as may hereafter be employed : to be drawn in such sums, and at such times as he may think proper.

Assented to November 30th, 1861.

NOTE—For appropriation of \$50,000, to encourage the manufacture of Salt within the State, see Act No. 1., Title "AGRICULTURE AND COMMERCE."

For appropriation of \$200,000 to the "Georgia Relief and Hospital Association," see Act No. 29, Title XI; for appropriation of \$350,000, for the manufacture and purchase of arms, see Act No. 61, Title MILITARY; for appropriations on account of State Lunatic Asylum, see Acts Nos. 70 and 71, Title STATE LUNATIC ASYLUM. For Act authorizing the Treasurer to make an advance to State Printers, see Act No. 73, Title STATE PRINTERS. For appropriation of \$6,000 for support of pupils in Academy for the Blind, see Act No. 82, Title APPROPRIATIONS, Local and Private Laws; also same title, Act No. 82, for appropriation to John H. Seals, for extra compensation for publishing the Revised Code. For Act appropriating \$504 80 for relief of Mrs. Boggess, widow of late Surveyor General of this State, see Act No. 122, Title RELIEF. For appropriation of \$33 47, for relief of Mrs. Margaret Dillon, see act No. 123, same Title. For Act appropriating \$1.40 for relief of Abner Hern, see Act No. 125, same Title. For Act appropriating \$13.30 for relief of Wm. J. Rush, see same Act; also for conditional appropriation for relief of Wesley Shuffield, see same Act.

TITLE III.

ATTORNEYS AT LAW.

SEC. 1. Attorneys at law who fail to pay their professional tax, may be stricken from the roll of Attorneys.

(No. 5.)

An act to prevent Attorneys at law from practicing in the Courts of this State, who fail to pay their Professional Tax.

Attorneys at
Law who fail
to pay their
professional
tax, may be
stricken from
the roll of At-
torneys.

SEC. 1. *Be it enacted*, That from and after the passage of this Act, whenever it shall be made to appear to any Judge of the Superior Courts, that any Attorney at Law practicing in said Courts, has failed to pay his professional tax, or fails to pay his said tax

levied according to the laws of this State, and execution has been issued for the same by the Tax Collector, and returned by the proper officer no property to be found, it shall be the duty of the Judge presiding in the Superior Court of the county in which the said Attorney resides, to cause to be issued a rule by the Clerk of said Court, requiring said Attorney to show cause by the next term of said Court, why he should not be struck from the list of Attorneys, and his License to practice declared of no effect, for his failure to pay his said professional tax; which rule shall be served by the Sheriff upon said Attorney, twenty days before the next term of said Court; and if at said term of said Court, said Attorney fails to show sufficient cause, said Judge shall pass an order striking said Attorney from the list of Attorneys, and declare his license to practice in the Courts of law and equity in this State, null and of no effect.

Assented to December 14, 1861.

TITLE IV.

BANKS AND BANKING,

SECTION 1. Suspension of specie payment by the Banks, continued till 1st Dec. 1862. Banks must redeem their bills when presented in sums of \$100, in Confederate or State Treasury Notes. Banks must issue change bills; but may not issue them till 1st Jan. 1862.

" 2. Gov. to issue seven per cent. State Bonds in lieu of the six per cents, heretofore delivered to the Banks, and for certain advances made by them to the State. Bonds issued under this act, when redeemable, &c.

" 3. Corporators. Cotton Planters' Bank of Georgia, incorporated. Powers and privileges.

" 4. Capital stock not to exceed \$3,000,000. Stock may be subscribed in Cotton; or in Confederate or State Bonds

" 5. Bank to be located in Thomasville; may have agencies at Bainbridge, Quitman, Valdosta, Blakely and Sandersville, and elsewhere.

" 6. When Bank may commence business; Directors; President. If a majority of its stockholders be non-residents of Ga. charter forfeited.

" 7. By-laws.

" 8. The Bank may hold certain real estate; may erect ware-houses.

" 9. Stockholders taking stock by paying in cotton, must insure the cotton; or deposit their notes. Liability of stockholders. Transfer of stock.

" 10. Bank not bound to pay specie till the other banks in the State resume.

" 11. Amount of issues allowed.

" 12. Stock Bonds to be registered. Bills issued to form a lien on the Stock Bonds, for their redemption. Entry must be made on the books, of Stock Bonds sold.

" 13. Bank may build, purchase or charter ships. Proceeds of cotton sold, to be used to redeem the bank bills which were issued upon it. Overplus to be paid to the Planters, or become a part of the stock of the Bank.

" 14. Cotton paid in for stock must be marked.

" 15. The Planter subscribing and paying in cotton, may direct when it shall be sold, if it will bring more than what was advanced on it, with expenses.

" 16. Sale by Planters of cotton paid in. Conditions and restrictions of such sale.

" 17. Subscriptions in Sea Island cotton at \$45 per bale of 300 lbs.

" 18. None but Planters to own stock in the Bank, nor can any cotton be paid in except that produced by themselves.

" 19. Bank of Fulton may hold real estate taken *bona fide*, in payment of debts due the Bank.

" 20. Any citizen of the Confederate States may take stock in said Bank.

" 21. North Western Bank of Georgia may establish an office of discount and deposits in Atlanta.

" 22. Purchase and sale of foreign exchange governed by the laws of trade; all statutory restrictions removed.

" 23. A married woman may deposit her or her childrens' earnings in Savings Bank, to am't of \$1,000, which shall not be subject to control of her husband.

" 24. Banks in Savannah may be removed to any point in the interior whilst S. C. or Ga. is invaded.

" 25. Payment may be demanded on notes &c., due the Banks so removing, at the place to which they may be removed.

Relief of the Banks.

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| <p>“ 26. Timber Cutters' Bank.</p> <p>“ 27. Publication of semi-annual returns as required by charter of Timber Cutter's Bank, may be made only in the paper in Savannah having the largest circulation.</p> <p>“ 28. Issue of change bills by the Palace Mills in Columbus, legalized. Those already issued must be returned and no more put in circulation.</p> <p>“ 29. R. L. Mott and the Palace Mills relieved from all penalties incurred for having issued such change bills.—Provisions of this Act extended to all other persons and companies who have issued change bills, on certain conditions.</p> <p>“ 30. City Council of Augusta may issue City Treasury Notes of small denominations.</p> <p>“ 31. Amount in circulation at any one time not to exceed \$100,000.</p> <p>“ 32. Penalty for putting in circulation a greater amount than \$100,000.</p> <p>“ 33. Penalty for counterfeiting same.</p> | <p>“ 34. Property pledged for redemption of the notes so issued.</p> <p>“ 35. Supt. of W. & A. R. R. may issue change bills; amount so issued not to exceed \$200,000.</p> <p>“ 26. How redeemed. Property of Road and faith of State pledged for their redemption.</p> <p>“ 37. Such change bills to be issued on bank note paper if it can be procured.</p> <p>“ 38. These change bills receivable for taxes and dues to State or Road.</p> <p>“ 39. Penalty for counterfeiting them.</p> <p>“ 40. Penalty for a violation of any part of this act. <i>Proviso.</i></p> <p>“ 41 ——— all such bills to be registered.</p> <p>“ 42 ——— authority to issue bills under this Act, to cease on resumption of specie payment by the Banks of the State.</p> <p>“ 43. Supt. required to furnish \$500 in such change bills for current bank bills, when demanded by any County Treasurer of this State.</p> |
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(No. 6.)

An Act to re-enact and continue in force the first, second and third Sections of an Act to grant relief to the Banks and the people of this State, &c., passed over the Governor's veto on the 30th day of November, 1860; and also to re-enact and continue in force the 4th Section of an Act to add a proviso to the Fourth Section of an Act, entitled an Act for the relief of the Banks and people of this State, &c., assented to 20th December, 1860.

1. SECTION 1. *The General Assembly of the State of Georgia do enact as follows:* Be it enacted that the first, second and third sections of the before recited Act passed on the 30th of November, 1860,* be, and the same are hereby re-enacted and continued in force until the first day of December, 1862, except the last proviso† of said second section; and that the fourth Section‡ of the before recited Act assented to on the 20th of December, 1860, be, and the same is hereby re-enacted and continued in force until the first day of December, 1862. *Provided*, That none of the Banks of this State shall be entitled to the relief from the penalties imposed by existing laws, nor shall be authorized or permitted to suspend the payments in specie of their bills upon demand, unless such Banks shall, at all times, give the Treasury notes of this State or of the Confederate States, at par, in exchange for their own bills or Bank notes, when demanded in sums of one hundred dollars.

Provided also, That each of the chartered Banks of this State

*See Acts of 1860, pp. 21-2.

†The proviso here referred to was in these words, “that no Bank shall ask and receive a greater sum than one per centum on exchange, from any citizen of this State, for bills, drafts or checks drawn on any point beyond this State, when the bills of said Bank or Banks are presented in payment for said exchange. See also Act No. 11 in this title, by which it is expressly enacted, “That the purchase and sale of foreign exchange shall hereafter be regulated by the laws of trade;” thus removing all statutory restrictions on the subject.

‡This section is also re-enacted and continued in force till 1st Dec. 1862, together with the entire Act passed 20 Dec. 1860, to add a proviso to the 4th Section of the Act of 30 Nov. 1860, by a separate Act passed at the present Session; for which see Title JUDICIARY, Act No. 52.

Suspension of specie payment by the Banks, continued till 1st Dec., 1862.

Banks must redeem their bills when presented in sums of \$100 in Confederate or State Treasury notes.

Banks which have made advances to State.

claiming the provision [provisions?] of this act, shall be, and they are hereby required, upon application of any person, to issue and keep in circulation during their suspension, small bills* in denominations of five, ten, twenty-five and fifty cents, to the extent of *one per centum* upon their capital stock; which said small bills shall be redeemed in current bank bills when presented in sums of five dollars or more; and that the said Banks are authorized to issue said small bills to the extent of *three per centum* on their capital stock.

Banks must issue change bills.

Provided further, The provision for the issue of change bills contained in the above *proviso*, shall not be obligatory upon said Banks till the first day of January next.

Not compelled to issue change bills till 1st Jan. 1862.

Assented to November 30th, 1861.

*See also act No 15, of this Title, by which the issue of change bills heretofore put in circulation by the Palace Mills Co. of Columbus, and also of those issued by other individuals and Corporations, is legalised, provided those already issued be redeemed and not put in circulation again. By Act No. 17 the Supt. of the W. & A. R. R. is authorized to issue \$200,000 in change bills; and by Act No. 16, the City Council of Augusta is authorized to issue \$100,000 in City Treasury notes of small denominations, to be used as change bills.

(No. 7.)

An Act for the relief of the several Banks in the State of Georgia, which have made advances to the State, upon Bonds or other Contracts, and for other purposes.

WHEREAS, Several of the Banks in this State have made advances to the State of Georgia, under the Act of 1860, for the purpose of "providing for the common defence of the State of Georgia, and to appropriate money for the same;" which several advances, amounting in the aggregate, to the sum of eight hundred and forty-two thousand and five hundred dollars, were made by said banks, in part in Bonds of the State, bearing six *per cent.* interest *per annum*, and upon an agreement with His Excellency the Governor, that he would recommend to the General Assembly the payment of seven *per cent.* on said advances; and *whereas*, it is eminently just and proper that the said Banks should receive the sum of seven *per cent.* on said advancements.

Preamble.

2. SECTION 1. *Be it therefore enacted*, That his Excellency the Governor, be and he is hereby authorized and directed, to take up and cancel the Bonds of the State of Georgia, bearing six *per cent.* interest, which have been issued to the Banks of this State for their advances, and also the receipts, or other agreements which may have been entered into with such banks as have made advances to the State without receiving bonds, and that he cause to be issued and delivered in lieu thereof, Bonds of the State of Georgia, bearing seven *per cent.* interest *per annum*, with coupons for the interest thereon, payable semi-annually; said bonds to be redeemable at the expiration of twenty years from the date of said advances, and with the right to the State to redeem said bonds, at her option, at any time after the expiration of five years from their date, upon the payment of principal and interest; said bonds to be de-

Governor to issue 7 per cent State Bonds in lieu of 6 per cents. heretofore delivered to the Banks, and for certain advances made by them to the State.

Bonds issued under this act, when redeemable &c.

livered to the several banks, according to the amounts respectively advanced by them; and in all cases where the interest has been paid, no coupons shall issue for the amount so paid.

SEC. II. Repeals conflicting laws.

Assented to December 16, 1861.

(No. S.)

An Act to incorporate the Cotton Planters Bank of Georgia, to give steadiness to the value of Cotton, to make it available as the basis of a sound circulating medium for the relief of the industrial interests of the Country, and at the same time to enable the Planters to control their own Cotton until the blockade now attempted to be enforced, is removed; to guard the Planters against an unavoidable necessitous sale of their Cotton at less than remunerating prices, and against sacrifices alike detrimental to their interest consequent upon their being forced to draw upon, and accept inadequate advancements upon their crops, paying heavy commissions, interest, insurance and storage, ruinous to the producers of this great Southern staple, and for other purposes.

Corporators.

Cotton Planters' Bank of Georgia, incorporated.

Powers and privileges.

3. SECTION I. *Be it enacted by the General Assembly of Georgia,* That Thomas Jones, Thomas Hardee, Arthur P. Wright, William Stegall, James L. Seward, and Thomas J. McBain, and such others as they, or a majority of them, may associate with them, shall be a body corporate, under the name of the Cotton Planters' Bank of Georgia; and as such shall be capable of suing and being sued, pleading and being impleaded, and to have other rights and privileges as are incident to the business of Banking.

Capital stock not to exceed \$3,000,000. Stock may be subscribed in cotton, or in Confederate or State bonds.

4. SEC. II. *And be it further enacted,* That the capital stock of said corporation, shall not exceed three millions of dollars; which may be subscribed in Cotton estimated at thirty dollars per bale, five hundred pounds being equivalent to a bale of Cotton; and said stock may also be subscribed in bonds of the Confederate States, and of the State of Georgia.

Bank to be located in Thomasville. May have Agencies at Bainbridge, Quitman, Valdosta, Blakely and Sandersville, and elsewhere.

5. SEC. III. *And be it further enacted,* That said Bank shall be located in the town of Thomasville; and the said principal Bank shall have power and authority to establish agencies at Bainbridge, Quitman, Valdosta, Blakely, and Sandersville and elsewhere, under such rules and regulations as the Board of Directors of said Bank may prescribe.

When bank may commence business.

Directors.

President,

Other officers. If majority of stock be owned by non-residents of State, charter forfeited.

6. SEC. IV. *Be it further enacted by the authority aforesaid,* That as soon as one thousand bales of Cotton shall be subscribed and paid in, and put in store at such places as the Board of Directors may direct—or thirty thousand dollars in bonds as aforesaid, shall be subscribed and paid in, then the stockholders shall proceed to elect five Directors, from among the stockholders; which Board of Directors shall choose a President from their number, and such other officers as they may deem necessary for the conduct and management of said Bank; and that if, at any time, a majority of the stock is held and controlled by persons non-residents of this State, then and in that event, said charter shall be forfeited.

Cotton Planters Bank of Georgia.

7. SEC. V. *And be it further enacted*, That the said Board of Directors shall have authority to pass all by-laws, rules and regulations as they may think proper for the successful operations of said Bank, not inconsistent with the laws and Constitution. By-laws.

8. SEC. VI. *And be it further enacted*, That said Cotton Planters' Bank shall be authorized to purchase and hold such real estate as may be necessary for their business, and such as they may buy *bona fide*, in collecting any debt or debts due said Company, and no other lands; and shall have the right to erect Ware-houses, and such other buildings and improvements as they may think proper. The Bank may hold certain real estate. May erect Ware-houses &c.

9. SEC. VII. *And be it further enacted*, That, for the purpose of providing against loss to the bill holders consequent upon the loss or destruction by fire, or sea, the several subscribers of stock in Cotton shall have the same insured, or deposit their notes to the amount each that each may subscribe in cotton, as security against such loss by fire or sea; and that the stockholders shall be liable for double the amount of the stock subscribed by each; and to prevent the stock from being transferred to irresponsible parties, each stockholder shall be liable to suit on liabilities of said Bank, for two years after the date of such transfer. Stockholder's taking stock by paying in cotton, must insure it. Or deposit their notes. Liability of stockholders. Transfer of stock.

10. SEC. VIII. *And be it further enacted*, That said Bank shall not be required to pay specie for its notes, until such time as other Banks shall be required to resume specie payments within this State: when its notes shall be redeemed in gold or silver coin, on presentation within the usual business hours. Not bound to pay specie, till other Banks in the State resume.

11. SEC. IX. *And be it further enacted*, That said Bank only have authority to issue bills, dollar for dollar, upon such bonds as may be subscribed and paid in, and dollar for dollar, on the Cotton subscribed, upon the estimate of thirty dollars per bale. Amount of issues allowed.

12. SEC. X. *And be it further enacted*, That the bonds that may be subscribed and paid in, in stock, shall be registered in a book by said Bank to be kept for that purpose; and the bills of said Bank shall constitute and form a lien upon such bonds, or their proceeds, and shall be liable for their redemption; and if, in the course of the business of said Bank, any of said bonds should be sold, an entry of the time of their sale, and the particular bond, and the amount for which it sold, shall be entered upon the books of said Bank. Stock bonds to be registered. Bills issued to form a lien on the stock bonds for their redemption. Entry must be made of bonds sold on the books.

13. SEC. XI. *And be it further enacted*, That said Cotton Planters' Bank shall have authority to build, purchase, charter, or employ ships for the purpose of shipping their Cotton, after the blockade shall have been removed; and upon the sale of said Cotton and the receipts of the proceeds thereof, the thirty dollars in bills issued upon such Cotton, per bale, shall be redeemed, and the overplus, after paying all expenses thereon, including freights, storage, insurance, wharfage, &c., shall be paid to each Planter that may have subscribed, or it shall become a part of the stock of said Bank, and be placed to the credit of such Planters as may have subscribed the same. Bank may build, purchase or charter ships. Proceeds of cotton sold to be used to redeem the bank bills issued upon it. Overplus to be paid to Planter. Or become a part of the stock of the Bank.

14. SEC. XII. *And be it further enacted*, That, as each subscrip-

Cotton Planters' Bank of Georgia—Bank of Fulton.

Cotton paid
in must be
marked.

tion of Cotton may be made and the same is stored, it shall be marked in such manner as it may be known by whom it was subscribed after the sale thereof.

The Planter
subscribing
and paying
in Cotton
may direct
when it shall
be sold, if it
will bring
more than
was advanced
on it, with
expenses.

15. SEC. XIII. *And be it further enacted*, That at any time after any planter shall subscribe stock in said Bank, in cotton, he shall have the right to direct his cotton so subscribed, to be sold, whenever its market value shall rise above the sum of thirty dollars per bale, so as to meet the amount issued thereon by the Bank and the expenses thereon; and the surplus shall be paid over to said planter, so as to allow each planter to determine for himself as to the market, and to exercise his own judgment, without any restriction, as to when the cotton subscribed shall be sold, without loss to said Bank.

Sale of cotton
subscribed and paid
in.
Conditions
and restrictions of such
sale.

16. SEC. XIV. *And be it further enacted*, That any person who may subscribe stock in cotton and the same has been used as the basis of circulation, and thirty dollars is issued thereon, he shall be at liberty to sell his stock, or the cotton which represents his stock, subject to the liability resting upon it for the bills that may be issued thereon.

Subscriptions
in sea island
cotton at \$45
per bale of 300
pounds.

17. SEC. XV. *And be it further enacted*, That subscriptions shall be received, in sea island cotton, at forty-five dollars per bale; a bale to be estimated at three hundred pounds, per bale, and constitute stock in said Bank.

No one but a
cotton Planter
to own
stock, nor
pay in any
cotton except
he raised it
himself.

18. SEC. XVI. *And be it further enacted*. That no one shall hold stock in said Bank, except he be a cotton Planter; nor shall he subscribe to the capital stock of said Bank, any other than cotton raised by himself.

SEC. XVII. Repeals conflicting laws.

Assented to December 14, 1861.

(No. 9.)

An Act to amend An Act incorporating the Bank of Fulton.

Bank of Fulton
may hold
real estate
when taken
bona fide in
payment of
any debt due
the bank.

19. SECTION I. *The General Assembly of the State of Georgia do enact*, That the Act incorporating the Bank of Fulton, in this State be, and it is hereby so amended, as to allow the said Bank to purchase real estate whenever the same shall be done *bona fide*, in the settlement or collection of claims due and owing by note, bill, or judgment, to said Bank.

Any citizen
of the Con-
federate
States may
take stock in
the Bank of
Fulton.

20. SEC. II. *And be it further enacted*, That any citizen of the Confederate States may take stock in said Bank.*

SEC. III. Repeals conflicting laws.

Assented to December 17, 1861.

* By the XVIII Sec. of the Act incorporating the Bank of Fulton, it is declared that "two-thirds of the stock shall be owned by citizens of Georgia." Acts of 1855—6 p. 69.

North-Western Bank—Foreign Exchange—Married women may deposit money in Savings Banks.

(No. 10.)

An Act to amend An Act incorporating the North Western Bank of Georgia.

21. SECTION I. *The General Assembly of Georgia do enact as follows:*

That the Directors of the North Western Bank of Georgia, shall be authorized, at any time after the passage of this Act, in their discretion, to establish an office of Discount and Deposit in the city of Atlanta, in the county of Fulton, and upon the same terms, and in the same manner as shall be practiced at said principal Bank; and to commit the management of said office, and the making such discounts, to such persons, on such terms, and under such regulations, as said Directors shall deem proper, not being contrary to law or the Charter of said Bank.

North Western Bank of Georgia may establish an office of discount and deposit in Atlanta.

SEC. II. Repeals conflicting laws.

Assented to Dec. 5th, 1861.

(No. 11.)

An Act to regulate Foreign Exchange.

22. SECTION I. *The General Assembly of the State of Georgia do enact,* That the purchase and sale of Foreign Exchange, shall hereafter be regulated by the laws of trade.*

Foreign exchange to be regulated by the laws of trade. All restrictions removed.

And that all laws or parts of laws heretofore enacted, which place restrictions upon Foreign Exchange, be and the same are hereby repealed.

Assented to December 14, 1861.

* By the X Sec. of the Act of 1857, passed over the Executive veto, it was provided, "that no bank or bank agency, by itself, its officers or agents, shall either directly or indirectly sell any kind of exchange, except sight checks; nor exact, demand, ask or receive for exchange in or out of this State, of any citizen of this State, a greater premium than one per centum, on the amount of exchange sold, when the bills of the bank from which the exchange is sought to be obtained, are presented at its counter in payment of said exchange." Acts of 1857, p. 28.

See also, *Supra*, Act No. 6, and notes thereto.

(No. 12.)

An Act to authorize Married Women to deposit money in any Savings Bank or Institution now chartered, or which may hereafter be chartered by this State, and for other purposes therein mentioned.

23. SECTION I. *The General Assembly of the State of Georgia do enact as follows:* That it shall and may be lawful for any married woman to deposit in any of the Savings Banks or Institutions for Savings, now chartered in the State of Georgia, or which may hereafter be chartered in said State, any sum or sums of money, the proceeds of her own labor, or that of her children, less than one thousand dollars taken in the aggregate, and to control, draw for, dispose of, devise, or transfer in any way whatever, the sum or sums thus deposited, in every respect as if she were not a married woman.

married women may deposit in Savings Banks proceeds of their own or their children's labor, to amount of \$1,000, free from control of the husband.

SEC. II. Repeals conflicting laws.

Assented to December 16, 1861.

(No. 13.)

An Act to authorize the several Banks and Banking Institutions located at Savannah, to remove their places of business into the interior during the invasion of the enemy.

24. SECTION I. *Be it enacted*, That it shall be lawful for the several Banks and Banking Institutions located at Savannah, to remove their places of business to the interior of the State, that either of them may respectively select; and there to carry on their business during the invasion of the State of South Carolina or of this State, by the forces of the army or navy of the United States.

Savannah Banks may remove to interior during time of invasion of S. C. or Ga.

25. SEC. II. *And be it further enacted*, That, in respect of notes or bills, or acceptances or obligations hereafter to fall due and payable in the city of Savannah, it shall be lawful for the holders of the same, to make demand of payment at any point, or points, in the interior to which said Banks may remove their places of business; and upon such demand and notice to drawers of bills or endorses of notes or bills, or obligations, of non-payment of the same, given or sent by mail within a reasonable time, such drawers of bills or endorses of notes or bills, or obligations, shall be held and bound for the same, in the same manner as if such demand of payment had been made in Savannah.

Payment may be demanded on notes &c. made payable to the banks in Savannah at the points to which they may be removed.

SEC. III. Repeals all conflicting laws.

Assented to November 22, 1861.

(No. 14.)

An Act to authorize the removal of the Timber Cutters' Bank, and for other purposes.

26. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That by and with the consent of the Stockholders in the Timber Cutters' Bank, located at Savannah, to be made known by a vote of a majority of the shares of the Capital Stock, the said Bank may be removed to, and permanently located at either the city of Darien or the city of Brunswick, in this State; *Provided*, that the selection of either place for its location shall preclude the removal to the other.

Timber Cutters' Bank may be removed to Brunswick or Darien.

27. SEC. II. *Be it further enacted*, That the said Bank shall not be required hereafter, to advertise its semi-annual statement as set forth in Section fourteen of the act incorporating the same, passed the twenty-sixth day of February, 1856,* in more than one of the Gazetts printed in the city of Savannah having the largest circulation.

*Publication of semi-annual returns.

Assented to Dec. 17, 1861.

*By this Act, such publications were required to be made "in each of the newspapers printed in Savannah." See Acts of 1855-6, p. 92.

Palace Mills Co. may issue change bills.—City Council of Augusta may issue Treasury Notes.

(No. 15.)

An Act to legalize the action of the Palace Mills Company of Columbus, in issuing change bills, and to legalize the issue of change bills by others, on certain conditions.

WHEREAS, Heretofore, to-wit: on the 26th of October, 1861, Randolph L. Mott, President of the Palace Mills Company, of the city of Columbus, at the request and solicitation of many citizens of said city, did issue and put in circulation change bills, for the convenience of the citizens of Columbus, as there was a great scarcity of silver change; *And Whereas*, the issue of said change bills and the circulation of the same, was contrary to the Statutes in such case made and provided:

28. SEC. I. *Be it enacted*, That the change bills issued by the Palace Mills, of Columbus, and signed by R. L. Mott, President, and dated 26th of Oct., 1861, and put in circulation, that said issue of change bills are hereby made legal, and the property of the said Palace Mills and all the property of the said R. L. Mott, is and are hereby made liable for the redemption of said change bills; and that the said Palace Mills and Randolph L. Mott are hereby required to redeem, on presentation, and destroy, so as not to put in circulation again, the said change bills.

29. SEC. II. *And be it further enacted*, That said Palace Mills and Randolph L. Mott, its President, are hereby released from any penalty for and on account of issuing and putting in circulation the said change bills dated on the 26th of October, 1861, any law to the contrary notwithstanding; and that the provisions of this Act be extended to all individuals and Corporations who have issued and put in circulation change bills, upon their redeeming all such bills as may have been issued; *Provided*, that no Corporation or person shall be relieved from the pains and penalties of the existing laws, who shall fail or refuse to redeem the change bills heretofore issued by them, when presented; *Provided further*, that this act shall not be so construed, as to authorize said Randolph L. Mott, or any other person or corporation, to issue any other change bills, or to re-issue those which he or they may redeem.*

Assented to December 17, 1861.

*See Notes to Act No. 6.

(No. 16.)

An Act to authorize the City Council of Augusta, to issue one hundred thousand dollars in Treasury notes, and for other purposes.

WHEREAS, It is important that the circulating medium of this State, grounded upon good and sufficient securities, should be at this time increased to meet the demands and wants of the people: *And Whereas*, the City Council of Augusta are possessed in their corporate right and name, of a large quantity of Bank Stock, Rail Road Stock, and real estate, greatly exceeding in value the sum of

City Council of Augusta may issue Treasury Notes—Supt. W. & A. R. R. may issue change bills.

one hundred thousand dollars, as well as the taxable property owned and possessed by the citizens of said city :

30. SEC. I. *The General Assembly of the State of Georgia, do therefore enact*, That the City Council of Augusta be, and they are hereby authorized, during the suspension of specie payments by the banks of this State, to issue their Treasury notes redeemable either in specie or in current Bank notes, of the denominations respectively, of five cents, ten cents, twenty-five cents, fifty cents, and one dollar : which shall be signed by such officer or officers as said City Council may by Ordinance direct.

31. SEC. II. The amount of said notes in circulation at any one time, shall never exceed one hundred thousand dollars ; and said notes shall be taken in payment of all dues to the City Council of Augusta ; and this provision shall appear on the face of the notes issued by said City Council.

32. SEC. III. *The General Assembly do further enact*, That, if the Treasurer of the city of Augusta, or other persons authorized by the City Council of Augusta, to sign said notes, shall sign and put in circulation at any one time, a greater sum than one hundred thousand dollars, he, or any one of them, shall be guilty of a misdemeanor, and on conviction, shall be fined or imprisoned ; said fine not to exceed one thousand dollars, and said imprisonment not to exceed six months.

33. SEC. IV. *The General Assembly do further enact*, That, if any person or persons shall be guilty of forging or counterfeiting any of said notes, [or shall pass any of said notes?] knowing them to be forged or counterfeited, he, she, or they, shall be guilty of a felony ; and on conviction thereof, shall be imprisoned in the Penitentiary of this State, for a term of years not less than five nor more than ten, in the discretion of the Court before whom the conviction takes place.

34. SEC. V. The property of the City Council of Augusta, both real and personal, shall be liable for the redemption of said notes ; and a lien is hereby created upon such property for the redemption of any notes issued under the provisions of this Act : Which lien shall not be impaired or defeated by any transfer of such property after the passage of this Act.*

SEC. VI. Repeals conflicting laws.

Assented to November 26th, 1861.

*Sec Notes to Act No. 6.

(No. 17.)

An Act to authorize the Superintendent of the Western & Atlantic Railroad of this State, to issue change Bills, and for other purposes.

35. SEC. I. *The General Assembly of Georgia do enact as follows :* That the Superintendent of the Western & Atlantic Railroad of this State, be and he is hereby authorized to issue and put in circulation, change bills of the denomination of one dollar, fifty cents, twenty-five cents, ten cents, and five cents, the aggregate amount

Supt. W. & A. R. R. may issue change bills.

of which shall not exceed the sum of two hundred thousand dollars; which change bills shall be signed by the said Superintendent and countersigned by the Treasurer of said Road; *Provided*, that the amount of said change bills of the denomination of one dollar, shall not exceed the sum of fifteen thousand dollars.

Not to exceed \$200,000 in amount

36. SEC. II. Said change bills shall be redeemed by said Treasurer in current bank notes, whenever presented in sums of five dollars or upwards; and for the ultimate redemption of the change bills which may be issued as aforesaid, the said Western & Atlantic Railroad, its fixtures, property and revenues, together with the faith of the State, are hereby pledged.

How redeemed.

Property of Road and faith of State pledged for their redemption.

37. SEC. III. *And be it further enacted*, That the Bills so issued, shall be upon such paper as is now used by the banks of this State, or the best paper that can be procured.

To be issued on Bank paper if it can be procured.

38. SEC. IV. All change bills issued under the provisions of this Act, shall be, and are hereby made receivable in payment of taxes, and all other dues to the State, as well as dues to said Western & Atlantic Railroad.

Such change bills receivable for taxes and all dues to State or to the W & A R Road.

39. SEC. V. Any person who shall alter, or counterfeit any change bill issued as aforesaid, or shall knowingly pass, or utter any change bill so altered or counterfeited as aforesaid, shall be guilty of a felony; and on indictment and on conviction thereof, the offender shall be punished by confinement and labor in the Penitentiary of this State, for a time not less than two, nor longer than ten years, at the discretion of the Court.

Penalty for counterfeiting the bills, &c.

40. SEC. VI. *And be it further enacted*, That for a violation of any part of this Act, the person or persons violating the same, shall be guilty of a felony; and on conviction shall be imprisoned in the Penitentiary for a term not less than two, nor more than ten years; *Provided*, it shall not be a violation of the provisions of this Act, for the Agent, or Superintendent, or Treasurer, to furnish at his discretion, change bills for current bank bills, when it is desired for change.

Penalty for violation of any part of this act.

Proviso.

41. SEC. VII. The said Superintendent shall have a register kept of all change bills issued under this Act; which register shall contain the number and amount of each change bill issued; and shall at all times be subject to the inspection of the Governor, or any committee of either branch of the Legislature.

All such bills to be registered.

42. SEC. VIII. *Be it further enacted*, *Provided*, the authority to issue change Bills under this Act, shall cease and determine, so soon as the payment of specie shall be assumed [resumed?] by the Banks of this State.

Authority to issue bills under this act to cease on resumption of specie payment by the Banks of this State.

43. SEC. IX. *Be it further enacted*, That the Superintendent of the Western & Atlantic Railroad, be required, on demand, to furnish to the Treasurer of each county in the State, as much as five

Supt. shall furnish \$500 in such change bills for current bank bills

when de-
manded by
any Co. Treas.
of this State,

hundred dollars of change bills, in exchange for current Bank bills.*

SEC. X. Repeals conflicting laws.
Assented to December 17, 1861.

* See Notes to Act No. 6.

Supreme Court Decisions.—The charter of a Bank, granted by an act of the General Assembly of Georgia, is a public act, and Courts must take judicial cognizance of it, in all cases, without having been specially given in evidence. 31. Ga. Repts. 69.

Where a clause in a bank charter authorizes the joining in one action of all parties to a note or bill given to be negotiated, or actually negotiated in that bank, such joinder is proper.—*Ibid.*

Such a clause in a bank charter is not unconstitutional because not expressly recited in the title of the Act of incorporation.—*Ibid.*

By the 9th. Sec. of the charter of the Planters' and Mechanics' Bank of Dalton, it is declared that "the bills obligatory and of credit, notes and other contracts whatever, in behalf of said corporation, shall be binding upon the said company, provided the same be signed by the President and countersigned by the Cashier of said corporation; and the funds of said corporation shall be in no case liable for any contract or engagement whatever, unless the same be signed and countersigned as aforesaid." *Held*, that bank bills signed by a Vice-President and countersigned by an Assistant Cashier, there being a regular President and Cashier in office at the time, discharging their respective duties, are not binding on the corporation. 31. Ga. Repts. 371.

TITLE V.

CODE OF GEORGIA.

Section 1. Code not to go into effect till 1st January, 1863.

Section 2. Each member of General Assembly to be furnished with a copy.

(No 18.)

*An Act to amend an Act to approve, adopt, and make of force, in the State of Georgia, a revised Code of Laws, prepared under the direction and by authority of the General Assembly thereof, and for other purposes therewith connected, assented to December 19, 1860.**

Code not to
go into effect
till 1st Jan
1863.

1. SECTION I. *The General Assembly do enact, That* the provisions of the aforesaid Act be, and the same are hereby so amended that the said revised Code of Laws shall go into operation the 1st day of January, 1863, and not before.

Each member
of the Gen-
eral Assem-
bly to be fur-
nished with a
copy.

2. SEC. II. *Be it further enacted, That* so soon as said Code has been properly published and indexed, the Governor is authorized and instructed to take the necessary steps to furnish each member of the present General Assembly with a copy, to the end that he may examine and prepare to decide upon the merits of the same, previous to the next meeting of the Legislature.

Assented to 16th December, 1861.

*For this Act, see Acts of 1860, p. 24.

TITLE VI.

COUNTY OFFICERS.

Sec. 1. Offices of Receiver of Tax Returns and Tax Collector, consolidated.
 “ .2. Bonds to be given by the Tax Receiver and Collector, same as those heretofore given by Tax Collectors.

Sec. 3. When the Tax Receiver and Collector resigns, or dies, after performing a part of his duties, compensation shall be allowed for the work done.

(No. 19.)

An Act to Consolidate the Offices of Receiver of Tax Returns and of Tax Collector in this State, and to require the duties thereof to be discharged by one Officer, to be styled Tax Receiver and Collector.

1. SECTION I. *The General Assembly of Georgia do enact as follows, to-wit:* From and after the passing of this Act, the offices of Receiver of Tax Returns and the Collector of Taxes, in the several counties of this State, be, and the same are hereby consolidated, and the duties thereof, shall be discharged by one officer, to be styled Tax Receiver and Collector; who shall receive therefor the compensation now allowed by law to the Collector: *Provided*, no Collector shall receive more than fifteen hundred dollars.

SEC. II Repeals conflicting laws.

Assented to November 30th, 1861.

(No. 20.)

An Act to prescribe the Bond of Tax Receiver and Collector, and for other purposes.

2. SEC. I. *The General Assembly of Georgia do enact*, That the bonds* to be required of the Tax Receiver and Collector, shall be those heretofore required of the Tax Collector; and that the laws heretofore enacted in reference to the bonds of Tax Collectors, shall apply to the bonds to be given by the Tax Receiver and Collector.

3. SEC. II. *Be it further enacted*, That whenever the Tax Receiver and Collector shall resign, after having discharged any portion of his duties, he shall receive compensation in proportion to the labor performed; and in case of the death of the said Tax Receiver and Collector, after having performed a part of his duties, his representatives shall be entitled to receive compensation in proportion to the labor performed—to be determined by the Comptroller General.

Assented to December 16, 1861.

*For existing statutes relative to bonds of Tax Collectors, see T. R. R. Cobb's New Digest, pp. 1046, 1056, 1065. See also Acts of 1860, p. 30.

Justices of Inferior Courts authorized to issue Bonds and borrow money, in certain cases.

TITLE VII.

COUNTY REGULATIONS.

SEC. I. Justices of Inferior Courts may issue County Bonds. In Co. of Burke only on recommendation of Grand Jury, and for certain purposes.

SEC. I. In county of Decatur such Bonds may be issued only to raise means to equip soldiers and to support families of needy soldiers in service.

(No. 21.)

An Act to authorize the Justices of the Inferior Court of the Counties of Floyd, Bartow, Chattooga, Decatur, Cobb, and Burke, and any other Counties of this State, to issue Bonds, and borrow money, in certain cases.*

1. SECTION I. *The General Assembly of Georgia do enact*, That the Justices of the Inferior Court, or a majority of them, of each of the above named counties, or any other counties of this State, are hereby authorized to issue Bonds of the county, and borrow money, for the purpose of raising means to equip volunteers and support the families of indigent volunteers, who are absent in the army, or who may have been killed, or died in the service, or who may have been wounded or disabled in the service, and for any other county purposes; (so far as relates to the county of Burke, as the Grand Jury of said county of Burke may, from time to time, recommend.)

Justices of Inferior Cts may issue co. bonds.

In County of Burke only on recommendation of Gr. Jury, and for certain purposes.

2. SEC. II. *The General Assembly do further enact*, That the Justices of the Inferior Courts of Decatur county be, and they are hereby authorized, to raise money from the sale of County Bonds, to meet present emergencies in equipping and supporting soldiers from said county, and to provide means for the support of the needy families of soldiers in service: this Act to continue in force until peace is declared.

In Decatur co such bonds to be issued solely to raise means to equip soldiers and support families of needy soldiers in service

SEC. III. Repeals conflicting laws.

Assented to December 17, 1861.

* Formerly Cass.

Confederate States Senators—Volunteers may vote in certain elections.

TITLE VIII.

ELECTIONS.

SEC. I. Act of Dec. 17, 1859, made applicable to election of Senators in Congress of Confederate States.

“ 2. Volunteers in service allowed to vote in certain elections.

SEC. 3. Mode of holding such elections and making returns thereof.

(No. 22.)

An Act to amend An Act, approved December 17, 1859, entitled “An Act to prescribe the time of holding Elections for Senators in the Congress of the United States, from the State of Georgia.*

1. SECTION I. *Be it enacted by the General Assembly of Georgia, That the above mentioned Act be so amended as to apply, in all its provisions, to the Confederate States of America, instead of the United States.*

Act of 17 Dec. 1859 made applicable to election of Confederate States' Senators.

SEC. II. Repeals conflicting laws.
Assented to December 5, 1861.

* See Acts of 1859. p. 31.

(No. 23.)

An Act to authorize all Volunteers and other Troops in the service from this State, to vote at all Elections, without reference to the place where they may be in service at the time of such Elections, and for other purposes.

2. SECTION I. *The General Assembly enacts, That all volunteers and other troops, citizens of this State, who are now, by law, entitled to vote, or who may at the time of such election, be entitled to vote at any election in this State, except such elections as are not returnable to the Executive Department, be and they are hereby entitled to assemble at such place as they may be stationed at, or in service, and cast their votes as though they were in their proper counties, at such elections.*

Volunteers allowed to vote in certain elections.

3. SEC. II. *That at said elections it shall be lawful for any two commissioned officers of the company, battalion, or regiment, to preside and hold said elections, under the same rules and regulations that are now prescribed by law for the holding such elections, and make returns of the same as though the said election had been held in the county of the residence of the voters respectively—sending one copy of the list of voters and one copy of the tally-sheet to the Clerk of the Superior Court of the county where the persons voting reside, and one copy each to the Executive Department; and all elections thus held shall be accounted good and valid: Provided, the returns thereof shall reach the Executive Department within fifteen days after the day of elections.*

Mode of holding such elections and making Returns thereof.

SEC. III. Repeals conflicting laws.
Assented to 14th December, 1861.

TITLE IX.

EXECUTORS, ADMINISTRATORS, TRUSTEES AND GUARDIANS.

- SEC. I. Exrs., Adms., Trustees and Guardians may invest trust funds in Bonds of Confederate States, by order of Judge of Supr. Court.
- SEC. 3. Ordinaries may require new or sufficient bonds of Guardians and Administrators where, old bonds are insufficient.
- " 2. New assignees and Trustees may be appointed in certain cases.

(No. 24)

An Act to authorize Guardians, Trustees, Executors und Administrators to invest in Confederate States Bonds, and in land and negroes.

1. SECTION I. *The General Assembly of the State of Georgiu do enact,* That Guardians, Trustees, Executors and Administrators, are hereby authorized to invest any funds held by them, as such Guardians, Trustees, Executors and Administrators, in the Bonds issued by the Confederate States of America, or in lands and negroes; *Provided,* that an order to that effect be first obtained from the Judge of the Superior Court, who is hereby authorized to consider and pass such applications, either in term time or vacation.

Exrs., Adms.
Trustees and
Guardians
may invest
trust funds in
Confederate
States' bonds.

SEC. II. Repeals conflicting laws.

Assented to December 16, 1861.

(No. 25.)

An Act to provide for the appointment of new Assignees and Trustees in certain cases.

2. SECTION I. *Be it enacted,* That in all cases of assignments for the benefit of creditors, heretofore or hereafter made, and in all cases of any trust, where the sole or surviving Trustee or Assignee shall have departed this life, or removed beyond the jurisdiction of the Courts of this State, the Superior Courts of the several counties in this State, shall have full power and authority, when sitting, either as a Court of law or equity, upon the petition of two or more of the parties interested in such assignment or trust, and on such notice as the Court shall direct, in a summary manner, to appoint a new Trustee or Trustees, in the place and stead of such deceased or non-resident Trustee; and such new Trustee shall have all the authority, and be subject to all the pains and penalties of such deceased or non-resident Trustee or Assignee; and all laws or enactments shall be as applicable, and in as full force, in respect to the new, as the old Assignee or Trustee; and said Court, being hereby authorized, in his discretion, to require bond and security of such Assignee or Trustee.

New assign-
ees and trust-
ees may be
appointed in
certain cases.

SEC. II. Repeals conflicting laws.

Assented to December 16, 1861.

(No. 26.)

An Act to provide for the safety of property or funds in the hands of Guardians, Administrators or Administratrix, &c.

3. SECTION I. *Be it enacted*, That from and after the passage of this Act, it shall be the duty of the Ordinaries of the several counties of this State, whenever it comes to their knowledge, either by annual returns or otherwise, that the bond and securities of any Guardian, Administrator, or Administratrix, is not of sufficient amount, (or otherwise in his judgment insufficient) to be of double the amount of the property or funds in hand of any such Guardian, Administrator, or Administratrix, it shall be the duty of said Ordinary to give notice to said Guardian, Administrator, or Administratrix, to come forward at the next term of the Court of said Ordinary, and give additional security to said Ordinary, or give a new bond with good securities; and on failure to do so, said authority of said Guardian, Administrator, or Administratrix, shall cease; and said Ordinary shall appoint, in terms of the law, a Guardian, Administrator, or Administratrix, to take the place of said defaulting Guardian, Administrator, or Administratrix.

Ordinaries may require new or sufficient bonds from Administrators and Guardians when old bonds are found to be insufficient.

SEC. II. Repeals conflicting laws.

Assented to December 17, 1861.

TITLE X.

GENERAL ASSEMBLY.

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| <p>Sec. I. <i>Per diem</i> pay of President Senate and Speaker House Representatives, to be each \$6. <i>Per diem</i> pay of Members to be \$5, each. Mileage \$1, for every 20 miles. Members to receive no pay for absent time except in certain cases.</p> <p>" 2. Pay of Secretary Senate to be \$3,500, for each Session of 40 days. This to include pay of all Clerks to Senate.</p> <p>" 3. Pay of Clerk House Reps. to be \$1,000 which includes pay of all Clerks to House.</p> | <p>Sec 4. If Session continues over 40 days, Sec'y. Senate and Cl'k. House, to be paid in proportion to duration of Session—if session be shorter, to be paid in proportion; and same <i>pro rata</i> pay at extra Session.</p> <p>" 5. <i>Per diem</i> pay of Messengers and Door-Keepers to be \$6, each.</p> <p>" 6. State Treasurer to make certain advances to Members and officers of Legislature; amounts so advanced to be deducted on settlement.</p> <p>" 7. General Assembly to meet on Thursdays instead of Wednesdays as heretofore.</p> |
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(No. 27.)

An Act to fix the amount of Compensation the Members and Officers of the General Assembly shall receive for their services, and for other purposes therein mentioned.

1. SECTION I. *The General Assembly of the State of Georgia do enact as follows*: That the President of the Senate and the Speaker of the

Secretary of Senate—Clerk of the House of Representatives.

House of Representatives, shall each receive as full compensation for his services, the sum of six dollars per day; and each member of the General Assembly shall receive as full compensation for his services, the sum of five dollars per day; and the President of the Senate and Speaker of the House of Representatives, and each member of the General Assembly, shall receive the sum of four dollars for every twenty miles of travel going to and returning from the seat of Government, the distance to be computed by the nearest route usually travelled; *Provided*, that no member of the General Assembly shall receive pay for the time he may be absent unless his absence was caused by the sickness of himself or family, or unless leave of absence was granted by the Senate or House of Representatives for satisfactory reasons.

Pay of President of Senate and Speaker of House to be each \$6 per day.
Pay of Members each \$5 per day.

Mileage \$4 for every twenty miles.

Pay of Members during their absence.

Pay of Secretary of Senate to be \$3,500 for each session of 40 days.

This to include pay of all Clerks &c.

2. SEC. II. *And be it further enacted*, That the Secretary of the Senate shall receive as full compensation for his services, including every service rendered, the sum of thirty-five hundred dollars for each regular session of forty days of the General Assembly; and he shall employ and pay out of said sum the Engrossing, Enrolling, and all other Clerks and Assistant Clerks necessary to discharge promptly and properly all the duties of Secretary and Clerk in the Senate, without any additional compensation whatever; *Provided*, that no warrant shall issue in favor of said Secretary until his Excellency, the Governor, shall have satisfactory evidence that he has made, or caused to be made and attached to the journal of the Senate, a good and sufficient index, and shall have marked and filed away all reports of standing and special committees, and all other papers of importance connected with the Senate.

Pay of Clerk of House of Representatives for Session of 40 days, to be \$4,000.
This to include pay of all Clerks &c.

3. SEC. III. *And be it further enacted*, That the Clerk of the House of Representatives shall receive as full compensation for his services, including every service rendered, the sum of four thousand dollars for each regular session of forty days of the General Assembly; and he shall employ and pay out of said sum, the Engrossing and Enrolling Clerks, and all other Clerks and Assistant Clerks necessary to discharge promptly and properly all the duties of Clerk and Assistant Clerks of the House of Representatives, without any additional compensation whatever; *Provided*, that no warrant shall issue in favor of said Clerk until his Excellency, the Governor, shall have satisfactory evidence that he has made, or caused to be made, and attached to the journal of the House of Representatives, a good and sufficient index, and shall have marked and filed away all reports of standing and special committees, and all other papers of importance connected with the House of Representatives.

If Session continue over 40 days Secretary of Senate and Clerk of House to be paid in proportion to duration of session.
If session be shorter they were to be paid in proportion.

4. SEC. IV. *And be it further enacted*, That if any regular session of the General Assembly shall continue longer than forty days, the Secretary of the Senate and the Clerk of the House of Representatives, shall each receive additional compensation in proportion to the length of time the session of the General Assembly is increased: and if any regular session of the General Assembly shall continue for a shorter term than forty days, the compensation of the Secretary of the Senate and the Clerk of the House of Repre-

Treasurer to make certain advances.

sentatives, shall be decreased in proportion to the time said session is shortened; and if there shall at any time be an extra session of the General Assembly, the Secretary of the Senate and the Clerk of the House of Representatives, shall each receive compensation for their services at said extra session, at the same rate each receives at a regular session; and each shall employ and pay at said extra session, all his Clerks and Assistant Clerks that may be necessary, and do and perform all other things required, the same as at a regular session.

The same pro rata pay at an extra session, if held.

5. SEC. V. *And be it further enacted*, That each Messenger and Door-Keeper of the Senate and House of Representatives, shall receive as full compensation for his services, the sum of six dollars for each days service.

Pay of Messengers and Door Keepers to be \$6 each per day.

6. SEC. VI. *And be it further enacted*, That the Treasurer of the State be, and he is hereby required to make advances to any of the members of the General Assembly; but in no case to exceed the per diem pay and mileage actually due; and to advance to the Messengers and Door-Keepers of the Senate and House of Representatives the per diem pay for services actually performed; and to advance and pay the Secretary of the Senate such sum as the President of the Senate may certify to be due him for the service actually performed, taking into consideration the completion of all his duties of the whole session; and to advance and pay to the Clerk of the House of Representatives such portion of his salary as may be actually due for the services rendered, as the Speaker of the House of Representatives may certify to be due him, taking into consideration the completion of all his duties for the whole session; and the amounts so advanced and paid to the Secretary of the Senate and Clerk of the House of Representatives, shall be deducted from the amount of the Executive warrants drawn in their favor for their salaries.

State Treasurer to make certain advances.

To members.

To Messengers and Door Keepers.

To Secretary Senate.

To Clk House

Advances to be deducted from Executive warrants on settlement

SEC. VII. Repeals conflicting laws.

Passed in House of Representatives by a Constitutional majority over the Executive veto, of two thirds, by a vote of yeas 109, nays 37, November 30, 1861.

WARREN AKIN,
Speaker of the House of Representatives.

L. CARRINGTON,
Clerk of the House of Representatives.

Passed in the Senate over the Executive veto by a Constitutional majority of two-thirds, by a vote of yeas 35, nays 3, November 30, 1861.

JOHN BILLUPS, President of the Senate,

JAS. M. MOBLEY, Secretary of the Senate.

Time of meeting of the General Assembly changed—Georgia Relief and Hospital Association.

(No. 28.)

An Act to alter and fix the time of the meeting of the General Assembly of the State of Georgia.

Preamble.

WHEREAS, The Constitution of the State of Georgia restricts the session of the Legislature to forty days; *And Whereas*, The Legislature can only remain in session thirty-nine days, in consequence of the fortieth day being the Sabbath.

General Assembly to meet on Thursdays instead of Wednesdays.

7. SEC. I. *The General Assembly of the State of Georgia do enact*, That the meeting of the General Assembly of the State of Georgia, shall be annually on the first Thursday in November, instead of the first Wednesday,* as now required by law.

Assented to December 14, 1861.

*The third item of the 1st Sec. of the 2d Article of the New Constitution of the State, fixed the time of the meeting of the General Assembly "on the first Wednesday of November, until such day of meeting shall be altered by law."

TITLE XI.

GEORGIA RELIEF AND HOSPITAL ASSOCIATION.

Sec. 1. \$200,000 appropriated to the Georgia Relief and Hospital Association. Purposes for which to be used.

" 2. To be drawn in sums as needed, and when ordered to be drawn by Executive Comm.; then Governor to draw his warrant on Treasury.

Sec. 3. Monthly report of expenditures, &c., to be made to Governor. On failure of Committee to make such report, the Governor to withhold his warrant till it be made. What exhibits reports shall make. Discretion of Governor

when he thinks expenditures have been extravagant. Ex. Com. [shall also report whether articles sent to Hospital have been received, &c., &c. Further items to be embraced in report of Committee.

" 4. Application of the Fund.

" 5. Agents to be appointed to look after hospital stores in transit—to be located at Richmond Va.—their compensation.

(No. 29.)

An Act to aid the Georgia Relief and Hospital Association; and locate the same, and to appropriate money therefor.

Preamble.

Whereas, many patriotic and humane citizens of Georgia have organized themselves into an association, styled the Georgia Relief and Hospital Association, for the purpose of providing medical attendance, stores, and supplies, hospital rooms, accommodation and transportation for the sick and wounded soldiers of, and in the State of Georgia; *And whereas*, said Association, which has hitherto been conducted by voluntary contribution and service, needs, and will need aid, in continuing its efforts of philanthropy and benevolence; *And whereas*, it is but just that the means necessary to carry on the operation of the Association should fall equally upon all the people for whom these Georgia soldiers fight and suffer—

The General Assembly of Georgia do therefore enact as follows :

SECTION I. The sum of two hundred thousand dollars be, \$200,000 appropriated for Ga. Relief & Hospital Association. and the same is hereby appropriated and set apart, for the aid and benefit of said Georgia Relief and Hospital Association; to be expended by them in providing medical attendance, stores, and supplies, hospital rooms, accommodation and transportation for the sick and wounded soldiers of the State of Georgia, and for no other purpose whatever; *Provided*, That all soldiers who may become sick or wounded within the limits of the State of Georgia and in her defence, shall be included in the benefits of this appropriation, Proviso. in the discretion of the managers of the Georgia Relief and Hospital Association; which said Association shall be located at Augusta, Georgia, and the Managers shall have full power to establish branch Hospitals, as they, in their discretion, may think necessary; the said Association in the establishing of Branch Hospitals, shall so locate them as will be more convenient and acceptable to the troops intended to be benefitted thereby, not exceeding twenty miles distant from the camps, if practicable.

SEC. II. That said fund shall be drawn from the Treasury only in such sums, and at such times, as they may be needed to carry out the purposes of the Association; and when any amount is needed, it shall be ordered by the Executive Committee to be How drawn. drawn; and their order to that effect shall be signed by their Chairman, or in his absence, by the Vice-Chairman, and countersigned by the Recording or Corresponding Secretary; and upon said order being submitted to his Excellency the Governor, and approved by him, he shall draw an Executive warrant on the Treasury of this State, for the amount expressed in said order; and then the Treasurer shall pay the same out of the sum appropriated by this Act.

SEC. III. *The General Assembly do further enact*, That the Executive Committee shall submit to his Excellency the Governor, a monthly statement of the expenditures of said Association, giving the specific items and details of such expenditures: *Provided, further*, That, upon failure of said Committee to make the monthly exhibits to his Excellency the Governor, as required by this Act, then the Governor shall withhold any further warrant upon said fund until said Committee shall have duly filed in the Executive Department, said exhibits, which shall show a full, complete, and plain statement of all receipts and disbursements by said Committee: *And be it further provided*, That if the Governor shall be of the opinion, from said statements, that the disbursements have been extravagant or wasteful, he shall be authorized to withhold said fund, until a satisfactory explanation shall be made: *And provided, further*, That in said report, the Executive Committee shall make report to the Governor fully, whether or not the articles sent forward by them during the month, for the use of the beneficiaries of this Act, have reached their destination, and if delayed, at what point, and in what quantities, and from what causes; and

Ex. Committee to make monthly reports to Gov.

On failure to report, Gov. may withhold warrant.

New Great Seal for the State of Georgia.—Act to abolish imprisonment for Debt, amended.

they shall likewise report specifically for what purpose or purposes the money may have been expended during the month.

Application
of the fund.

SEC. IV. *Be it further enacted*, That the above appropriation be applied exclusively, and distributed *pro rata*, to the sick and wounded, according to their necessities, at the different permanent and temporary Hospitals at the various military positions occupied by troops from this State, within the State of Virginia and elsewhere.

Agents to be
appointed to
look after
hospital
stores.

Such agents
to be located
at Richmond.

Their com-
pensation.

SEC. V. That the said association shall employ a competent Agent or Agents, whose duty it shall be to look up and take charge of all Hospitals and other stores in transition, intended for Georgia troops; and to have said stores and supplies promptly forwarded to their destination: said Agent or Agents, to be located at Richmond, Virginia, or at such other place or places as said Association may determine to be necessary to carry out the objects of this act; and the said appointee shall receive such compensation from said Board of Managers, out of the foregoing appropriation, as may be reasonable, and be discontinued at any time said Board may determine.

Assented to December 10, 1861.

TITLE XII.

GREAT SEAL OF THE STATE.

SECTION 1. Commissioners appointed who, in co-operation with Secretary of State are to prepare a new Great Seal of the State. SEC. 2. When new Great Seal is agreed upon, it shall be used as such in lieu of the old one.

(No. 30.)

An Act to alter the Great Seal of the State of Georgia.

Comm'rs., ap-
pointed who,
with Sec'y. of
State, are to
prepare a new
Great Seal of
the State.

SECTION I. *The General Assembly of Georgia do enact*, That S. S. Stafford and G. N. Lester and B. H. Bigham be, and they are hereby appointed Commissioners in co-operation with the Secretary of State, to prepare a new Great Seal for the State of Georgia, and to make all necessary preparations and arrangements to bring the same, as agreed on by said Commissioners, into use.

When agreed
upon to be
used instead
of old one.

SEC. II. *Be it further enacted*, That so soon as the Great Seal is agreed upon and prepared, as provided in the foregoing section, the Secretary of State shall forthwith use it instead of the Seal now in force; and all attestations under the new Seal shall from then thenceforth be valid.*

Assented to December 14, 1861.

*This act was passed in obedience to the requirements of the latter clause of the 9th Item of the 2d Section of the 3d Article of the new Constitution of the State, which declares that "the General Assembly shall, at their first session after the rising of this Convention, by law cause the Great Seal to be altered."

For Acts heretofore passed relative to the Great Seal of the State, the devices &c. thereon, see T. R. R. Cobb's new Digest, pp. 959, 960, 961.

TITLE XIII.

INSOLVENT DEBTORS.

- SEC. 1. Act of 11 Dec. 1858, to apply to any person arrested on any civil process; and notice to be given by plff. to be ten days.
- SEC. 3. Affidavit must be made to truth of facts in tender of issue.
- " 2. Continuances under said act.

(No. 31.)

*An Act to amend an Act entitled an Act to abolish imprisonment for debt, on certain conditions herein set forth, and for other purposes, assented to December 11, 1858.**

SECTION I. *The General Assembly of Georgia do enact*, That the provisions of the second section of the above recited Act, be and the same are hereby extended to all persons arrested under any civil process whatever, mesne or final; and that the notice required by said Act to be given to the Plaintiff, shall be ten days, which shall be effected by personal service.

SEC. II. *And be it further enacted*, That in no event, except for Providential cause, shall a continuance be granted to the Plaintiff more than one time, nor shall such continuance delay the case for more than thirty days from the day of arrest.

SEC. III. *And be it further enacted*, That the Plaintiff, his Agent or Attorney, shall be required to make affidavit that he has reason to believe that the facts set forth in the tender of issue, are true.

SEC. IV. Repeals conflicting laws.

Assented to December 14, 1861.

*This Act will be found in the Acts of 1858, pp. 59-60.

Supreme Court Decision.—When the term to which a *ca. sa.* is returnable, is adjourned to another day, a return of the *ca. sa.* to the adjourned term, will be regular, and will serve as the return required, before a *sci. fa.* against bail can be issued. 29 Ga. Repts. 197.

If the officer arresting a defendant in *ca. sa.*, take bond for his appearance at the Court to which the *ca. sa.* is returnable, on a certain day which is not the day appointed for the sitting of the Court, and the defendant appear on the day designated in the bond but after the time appointed for the holding of the Court and after its adjournment, the security is not responsible. It is the mistake of the arresting officer. 31. Ga. Repts. 421.

TITLE XI.

INSURANCE COMPANIES.*

- Sec. 1. Planters' Insurance, Trust and Loan Co. incorporated.
- " 2. Objects of the Company; its powers and privileges.
- " 3. Capital stock; shares; organization, &c.
- " 4. By-laws; Principal office, Agencies, &c.
- " 5. Property of Co. subject to taxation as that of other Insurance Companies in the State.
- " 6. Duration of charter 30 years.
- " 7. Foreign capitalists not to control the Co.
- " 8. The Georgia Insurance Company incorporated.
- " 9. Its powers and privileges.
- " 10. Organization by-laws, &c.
- " 11. Annual meetings.
- " 12. Business to be divided into Life, Fire and Marine departments.
- " 13. Careful account of all business of Co. to be taken annually.
- " 14. Regulations as to Life department.
- " 15. Personal liability of Stockholders.
- " 16. The Great Southern Insurance Company incorporated.
- " 17. Commissioners to organize the Company.
- " 18. Subscriptions to stock.
- " 19. Subscribers to stock made a body corporate. Corporate name. By-laws.
- " 20. When Co. may organize. Board of Directors, President, &c.
- " 21. Eligibility to office of President, and of Directors.
- " 22. Officers, Agents, &c.
- " 23. Subjects of insurance, &c.
- " 24. Liability of Corporation and its stockholders.
- " 25. Further liability of individual stockholders.
- Sec. 26. Liability of Stockholders after they transfer their stock.
- " 27. Duration of charter.
- " 28. Southern Insurance Company, capital stock, &c.
- " 29. Company incorporated; By-Laws, &c.
- " 30. Board of Directors; President; Secretary or Actuary.
- " 31. Powers of Directors and President as to Officers, Agents, &c.
- " 32. Subjects of insurance; payment of losses, &c.
- " 33. Liability of Co. and Stockholders for debts of Co.
- " 34. Payment of losses.
- " 35. Notes, &c., payable to Co. treated as if made payable in bank.
- " 36. Duration of charter 30 years.
- " 37. Repelling clause.
- " 38. Confederate Fire and Marine Insurance Company of Atlanta incorporated.
- " 39. Directors and President; Secretary and Treasurer.
- " 40. Organization of Co.; capital; shares, &c.
- " 41. When Co. may organize.
- " 42. Subjects of insurance.
- " 43. Company may re-insure.
- " 44. Stock notes, and payment of installments.
- " 45. Principal office to be in Atlanta.
- " 46. Co. to have powers and privileges of the Southern Mutual Insurance Co. of Georgia.
- " 47. Directors not to use funds of Co. Duration of charter 30 years.
- " 48. Act of 12 Dec. 1859, repealed, except as to Insurance Cos. in the United States of America.

(No. 32.)

An Act to incorporate the Planters' Insurance, Trust & Loan Company, and to confer certain powers and privileges thereon.

Planters Insurance,
Trust & Loan
Co. incorporated.

Powers and
privileges,
Seal.

By-laws.

1. SECTION I. *Be it enacted*, That the owners of the shares herein authorized to be issued be, and are hereby made a body politic and corporate; and as such, under the name and style of the Planters' Insurance, Trust & Loan Company, may purchase, hold and acquire any property and estate, real and personal, and the same may use, let, lease, mortgage, transfer and convey, and otherwise dispose of; and may sue and be sued, plead and be impleaded, contract and be contracted with, and use a common seal, and the same may change at pleasure; and may make by-laws and regulations

* "Power to grant Policies of Insurance upon Cotton against risks by fire on sea or land, and to act as Agent for European Insurance Companies within the State of Georgia," is given to the "Direct Trading Company of Georgia," incorporated at the present session. See Act No. 2, Title "AGRICULTURE AND COMMERCE."

Planters Insurance Trust and Loan Company.

for the management of their affairs, and have and use all the rights, powers and privileges which may be necessary, or proper for them to have, use and enjoy as an incorporated Company; *Provided*, said company shall not hold in this State, at any time, more real estate than may be necessary for the convenient transaction of business, unless it be purchased *bona fide*, in payment of debts.

2. SEC. II. The purpose of this act, is to organize an incorporated company, whose capital, or such part thereof as they may deem expedient, may be invested in Railroad Company Bonds and shares, and other public and private securities, which being placed in Europe or elsewhere, may be sold, or else become the basis of a credit, enabling such Company to obtain money or credit upon such time and upon such terms, as to enable them to use the same in loans and advances to Railroad Companies, Planters, Manufacturers and others, at a less rate of interest, and for a longer period, than such loans and advances are usually made by banks; and also to authorize them to insure houses, goods, and all species of property, against damage or loss by fire or water, or any other casualty; and also to make Insurance of lives, and to guarantee the payment of notes and bonds, and the performance of the contracts of companies, corporations, and individuals; and to authorize them as a Company, to make all requisite contracts, and especially to receive and hold on deposit and in trust, any estate or property, real and personal, including notes, bonds and accounts, and the same to purchase, collect, adjust and settle, and to sell and dispose thereof, in any market in the Confederate States or elsewhere, for such price, and upon such terms, as may be agreed on between them and the parties contracting with them; and also to make advances of money and of credit, and to deal in exchange, foreign and domestic.

3. SEC. III. That the capital of the Company shall consist of shares of one hundred dollars each; and that fifty per cent. thereof shall be appropriated for, and used as the active capital; and that fifty per cent. thereof shall be invested by the Directors, in good securities, and held as a fund reserved and pledged for the payment of any contingent liability which may be created in the course of the business of said Company; and should any part of the reserved fund be, at any time, used in payment of such liability, it shall be the duty of the directors to reinstate the sum thus taken for that use, by appropriating thereto, so much of the current income of the Company as may be requisite therefor; and no distribution of profits shall, at any time be made, so long as there may be any deficiency whatsoever in the fund reserved as aforesaid: and Duff Green, William Moughon, Augustus Seaborn Jones, William B. Johnson and John L. Jones, are hereby appointed Commissioners; and they or a majority of them may, in person or by proxy, at such times and places as they may deem expedient, open books of subscription; and when four thousand shares shall have been paid in, or satisfactorily secured, the subscribers may proceed to organize the company, by the election of four or more Directors;

Objects of the corporation.

Subjects of insurance.

Company may hold trust estates on deposits, and have power to sell the same.

May advance moneys and deal in exchange.

Shares to be \$100 each; Capital how used and invested.

Comm'rs. to open books for subscriptions to stock.

Co may organize when four thousand shares are subscribed and paid in or secured.

Planters Insurance Trust and Loan Company.

Board of Directors.

Resources of Co. may be increased from time to time.

Who may own shares in the Co.

Shares subscribed being paid in, the Stockholders not liable for further payments. New subscriptions.

By-laws; and what they may provide for.

Principal office to be at Macon. Directors may establish branches and agencies in Europe and elsewhere. Agents and officers may be required to take an oath. Redress for misconduct of officers or agents.

Officer or agent misappropriating funds of Co. guilty of felony.

Capital used in Ga. subject to taxation, like that of other Insurance Cos. in this State.

Repealing clause.

Duration of charter 30 yrs.

Foreign capitalists not to control the corporation.

and the directors, (three fourths of whom shall be citizens of the Confederate States,) are hereby authorized and empowered, in the name and behalf of said Company, to have and exercise all the rights, powers and privileges which are intended to be herein given; and may, from time to time, increase the resources of the Company, by borrowing money on the pledge of their property, or without such pledge, or by new subscriptions; and any citizen or subject, company or Corporation, of any State, Government or country, may subscribe for, purchase, own and hold shares, in the said Company; and the owners of such shares shall each be liable for, and bound to pay the said Company the sums due, or to become due upon such shares; and which sum or sums being paid, such owner shall not be liable for any further payment on account thereof; and when new subscriptions are made, the shares may be issued at par, or sold for the benefit of the owners of the shares previously issued.

4. SEC. IV. The by-laws may prescribe the number of, and the manner in which the Directors and Officers and Agents of the Company shall be appointed, and designate their terms of service, powers, duties and compensation: the principal office shall be at Macon in this State; but the Directors, under such rules and regulations as they may approve, may establish branches and agencies in Europe and elsewhere; and the said Directors may require all the officers and agents of the said Company, to take an oath that they will faithfully and honestly, to the best of their ability, discharge their duties as such; and any such officer or agent misappropriating the assets of said Company or of any creditor thereof, with fraudulent intent, shall be personally liable, and all the property and estate of such officer or agent, shall be subject to, and bound for the payment of any damage or loss which the said Company or creditor thereof, may suffer on account of such misappropriation; and such officer or agent, upon conviction of such misappropriation, shall be held to be guilty of felony, and may be fined in a sum not exceeding one thousand dollars, and imprisoned in the Penitentiary of this State, for a term not exceeding ten years, at the discretion of the Court before whom such conviction is had.

5. SEC. V. So much of the capital of the said Company as may be used within the limits of this State, shall be assessed in the same manner, and there shall be paid thereon, the same tax as is assessed and paid on the capital of other Insurance Companies in this State; and all acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

6. SEC. VI. That this act shall take effect and be in force, for thirty years from and after its passage, and until the same be modified or repealed.

7. SEC. VII. *Be it further enacted*, That nothing contained in this act, shall be so construed as to give to Foreign Capitalists a controlling influence in this corporation; but the same shall always be under direction and control of the share-holders of the

Georgia Mutual Insurance Company.

Confederate States of America, or a majority of the Stock owned by them; *Provided*, that they shall publish once a year, during the time that they shall continue in business, a list of the Stockholders in some newspaper published in this State.

Assented to December 12, 1861.

(No. 33.)

An Act to incorporate the Georgia Mutual Insurance Company.

8. SEC. I. *The General Assembly of Georgia do enact*, That William King of Charleston, A. J. Brady of Fulton, J. J. Gresham of Macon, E. P. Clayton of Richmond, J. W. Wheatley of Sumter, and R. McLeod of Cobb, be Commissioners to receive subscriptions to the stock of a Company to be known as the "Georgia Mutual Insurance Company;" the capital stock shall consist of two thousand shares of one hundred dollars each.

9. SEC. II. When all the stock shall have been subscribed, the Commissioners shall give notice to the subscribers, who shall, with their successors, constitute a body corporate, with all the powers and privileges usually belonging to a corporation, and with the right to make any and every kind of insurance not inconsistent with the laws of this State or the Confederate States.

10. SEC. III. The Commissioners shall call the Stockholders together, as soon as may be convenient, to elect twelve Directors, who shall elect officers, adopt by-laws, and organize and manage all the business of the Company; but no insurance shall be made until one hundred thousand dollars of the capital stock shall be paid up.

11. SEC. IV. The annual meeting of the Company shall be on the first Tuesday in February in every year, when new Directors shall be elected, who shall remain in office until their successors shall be chosen.

12. SEC. V. The business of the Company shall be divided into three departments, Life, Fire, and Marine; and the receipts and investments and profits of each, shall be kept entirely separate.

13. SEC. VI. During the month of January in every year, a careful and exact calculation shall be made of the earnings of the capital stock, and of each of the three departments of the Company's business, after making an ample allowance for claims, bad debts, risks not yet terminated, and every other liability; one-fourth of the insurance earnings, with all those of the capital stock, shall belong to the Stockholders, and be disposed of as the Directors may determine; the other three-fourths shall belong to the insured, and shall be divided among the insurers in each department, in scrip, (after paying interest on scrip already issued,) in proportion to the profits in each department, and to the premiums on risks terminated or renewed during the preceding year, without loss; this scrip shall not be issued for fractions of a dollar; it shall be retained by the Company as security when any insurer is in its debt; and when all the scrip in any department, excepting the oldest, shall amount to two hundred thousand dollars, then, the oldest shall be paid off; if there shall be in any year no insurance earn-

List of Stockholders to be published once a year in some paper in Georgia.

The Georgia Mutual Insurance Co. incorporated. Capital stock \$200,000, in \$100 shares.

Powers and privileges.

Subjects of insurance.

Organization of the Co. Directors and officers. By-laws. No insurance to be made till \$100,000 of stock be paid in. Annual meeting of Co. to be 1st Tuesday in Feb'y; when new Directors shall be elected.

Business of Co. to be in three departments, Life, Fire & Marine; and profits of each kept separate. General account of business of each department to be taken in Jan. of each year.

Other regulations of the company.

ings in any one of the departments, a portion of its scrip issued in previous years shall be cancelled, equal to the deficiency of the year beginning with the last, and then with the preceding years, and so on to the first.

Investments
in Life de-
partment to
be only in
Confederate
States Bonds
and in mort-
gages on real
estate.
Personal li-
ability of
Stockholders.

14. SEC. VII. The investments in the Life Department, shall be only in State or Confederate States Bonds, or in bond and mortgage on real estate, with twice the amount of the bond.

15. SEC. VIII. The Stockholders shall be individually responsible for all the liabilities of the Company.

SEC. IX. Repeals conflicting laws.

Assented to December 17, 1861.

(No. 34.)

An Act to incorporate, in the State of Georgia, an Insurance Company, to be called The Great Southern Insurance Company.

Preamble.

Whereas, The wants of the Southern States greatly demand increased facilities for the insurance of properties of all kind, to take the place of the Northern Companies which have heretofore occupied this field for the employment of capital, and many of said Northern Companies being unknown to the people of the South, and some of them wholly irresponsible; *And whereas*, the policy of our State should be directed to the encouragement of capital into this desired channel, and to the building up of sound and responsible Insurance Companies in this State:

Capital stock
\$2,500,000.
Shares to be
\$100 each.
The Great
Southern In-
surance Co.

16. SECTION I. *Be it therefore enacted*, That there shall be established in the State of Georgia, an Insurance Company, the capital stock of which shall be two and one-half millions of dollars, to be divided into shares of one hundred dollars each; the same to be named The Great Southern Insurance Company.

Commission-
ers to organ-
ize the Co.

17. SEC. II. *Be it further enacted*, That Robert Habersham, Charles Green, Gazaway B. Lamar, William Battersby, Andrew Low, John W. Anderson, of the county of Chatham, and John Bones, Thomas S. Metcalf, B. H. Warren, Edward Thomas, John Davison, E. W. Dougherty, B. S. Dunbar, William J. Owens, Robert H. May, Jesse A. Ansley, and William A. Ramsay, of the county of Richmond, and James Ormond, S. Root, W. F. Herring, and F. R. Shackelford, of the county of Fulton, and John L. Jones, Isaac Scott, J. B. Ross, B. F. Ross, Asher Ayres, James A. Ralston, Elam Alexander, Pulaski Holt, James A. Nesbit, and William B. Johnson, of the county of Bibb, and Robert M. Gunby, Daniel Griffin, David Adams, W. H. Hughes, L. T. Downing, W. J. McAlister, J. G. Strupper, James F. Bozeman, J. P. Illges, Jas. Ennis, W. H. Young, of the county of Muscogee, shall be appointed commissioners for the purpose of organizing said Company, according to the provisions hereinafter made.

Books may be
opened for
subscriptions
to stock.

18. SEC. III. *Be it further enacted*, That any three of the commissioners in their respective counties aforesaid, may open books of subscription, after thirty days previous advertisement of the

Great Southern Insurance Company.

fact, in the cities of Savannah, Columbus, Augusta, Macon, and Atlanta, to receive subscriptions of the capital stock of said Company, until the sum of one million of dollars is subscribed for, and no person shall be allowed to subscribe for more than 250 shares of said stock; but this shall not prevent any person, after the organization of said Company, from owning more than 250 shares, by purchase or otherwise.

No person allowed to subscribe for more than 250 shares, but may acquire more after organization of Co.

19. SEC. IV. *Be it further enacted*, That those who shall become subscribers for said stock, as above mentioned, their successors and assigns, shall be, and they are hereby created and made, a body politic, by the name and style of The Great Southern Insurance Company; and by that name shall be, and are hereby made capable, in law, to have, purchase, receive, possess, enjoy, and retain, and sell property of all kinds; to sue, and be sued; to make and use a common seal, and break, alter, and renew the same at pleasure; to ordain, establish, and put into execution such by-laws, rules, and regulations as shall seem necessary and convenient for the government of said corporation, not contrary to the laws and Constitution of this State, or of the Confederate States; and generally to do all acts and things as shall appertain to, or be necessary for the carrying into effect the object and purposes of said corporation.

Subscribers to stock and their successors, incorporated, Under name of the Great Southern Insurance Co.

Powers and privileges.

By-laws.

20. SEC. V. *Be it further enacted*, That the said commissioners shall immediately after as much as one million of dollars of the stock of said corporation shall have been subscribed for, and twenty dollars per share paid to them, call a meeting of the stockholders, to be held in the city of Macon; they, the stockholders, shall proceed to organize said corporation, by the election of not less than fifteen, nor more than thirty-one Directors, a majority of whom shall constitute a quorum; and the said Directors shall elect one of their number as President; after which, the said commissioners shall turn over said books of subscription and money paid in, to said President and Directors; and said President and Directors shall annually, on the 1st of July in each succeeding year, or such other day as they may appoint, call a meeting of the stockholders at such point as they may direct, first giving thirty days notice thereof in the city papers; at which time the stockholders shall elect Directors for the ensuing year; and the Directors shall elect a President, whose duty it shall be to locate and establish the principal office of said Company in the city of Macon.

Organization of Company. Board of Directors.

President and Board of Directors to be elected hereafter annually on 1st July, or on such other day as they may appoint. 30 days notice of meeting to be given.

Principal office of Co. to be in Macon.

21. SEC. VI. *Be it further enacted*, That the Directors and President shall be elected from the stockholders of said Company; and that no person shall be eligible as a Director, except he own in his own right, 50 shares of the stock of said Company; and further, that there shall be one vote for each share, and that absent stockholders may vote by proxy.

Eligibility to office of Pres. and Directors.

One vote for each share; may vote by proxy.

Pres. and Directors may appoint and remove all officers and agents of the Co. prescribe their duties, &c.

22. SEC. VII. *Be it further enacted*, That said President and Directors, shall have power to appoint and remove at pleasure, all officers or agents of said corporation; to prescribe their duties,

Take bonds of officers and agents. Fill vacancies in Bd. of Directors, and appoint a President pro tem. May call for payment of unpaid stock. Stock to be considered personal property. If subscribers fail to pay installments, stock to be forfeited and sold. Delinquent stockholders still liable for balance due, and be sued therefor. Pres. and Directors may allow holders of policies to participate in profits. Transfer of stock.

take from them bonds for the faithful performance thereof, to fill any vacancies that may occur in their Board, and appoint a President *pro tem.* in the absence of the President; and further, that said President and Directors shall have power, from time to time, to call for the payment of the unpaid stock, in such sums as they may deem proper; and said stock shall be considered and held as personal property; and upon the neglect or refusal of any stockholder to pay the installments on his stock, as called for by the President and Directors, then, upon ten days notice being given in one or more of the city papers, said Board may sell such stock, at public outcry; and said delinquent stockholder shall still remain liable for any balance due, or which may become due by him to said corporation, and may be sued therefor, in any court having jurisdiction; and said President and Directors shall also have the power to give the holders of the policies of said corporation, the right to participate in the net profits of the corporation, to such extent, and in such manner, and upon such terms as they may deem proper; and no stockholder shall have power to transfer his stock in said corporation, so long as he is a debtor to said corporation for money borrowed, premiums due, or installments unpaid.

Subjects of insurance.

23. SEC. VIII. *Be it further enacted,* That said corporation shall have authority to insure against losses by fire, on all kinds of property, either real, personal, or mixed, or choses in action; also, against the hazards of ocean or inland navigation, and transportation of every kind; and also upon the duration of human life, for such premiums as it may determine; and said corporation shall be liable to make good and pay to the several persons who may insure in said corporation, for the losses they may sustain, or for life insurance, in accordance only with the terms of the contract or policy issued by said corporation; and no policy, or other contract of said corporation shall be binding, except it be signed by the President and Secretary of said corporation - and said corporation shall have

How policies and contracts must be signed to be binding on Co

Other powers of Company.

power to receive money on deposit, to loan and borrow money, to take and give such securities therefor as may be considered best, to invest its moneys and transfer its properties at pleasure, to purchase and discount notes and bills of exchange, and do all other acts it may deem advisable for the safe keeping and secure investment of its funds; *Provided,* That nothing herein contained shall be construed to authorize said corporation to make any note or bill to circulate as a bank bill, or to issue any security to be circulated as money; *And it is further enacted,* That said corporation shall have power and authority to make re-insurance of any risks that may be taken by them.

Not to issue bills for circulation as money.

May re-insure

Liability of corporation and of individual stockholders.

24. SEC. IX. *Be it further enacted,* That said corporation shall be responsible to its creditors, to the extent of its property; and the stockholders shall be liable to its creditors, to the extent of the amount of their respective stock not paid up.

Further liability of individual stockholders

25. SEC. X. *Be it further enacted,* That the stockholders shall be individually liable for the debts of said corporation, in proportion to

Southern Insurance Company.

the number of shares owned or held by each, to the extent of ^{for debts of} double the amount of stock so owned or held by them. the Co.

26. SEC. XI. *And be it further enacted*, That no stockholder in said Insurance Company shall be allowed to transfer his stock in said Company, at any time, by means of which he shall be relieved from any liability incurred by said Company, or existing at the time of said transfer; but said stockholder shall continue to be liable for all liabilities or indebtedness of said Company, existing at the time of said transfer. ^{Liability of Stockholders after transfer of Stock.}

27. SEC. XII. *Be it further enacted*, This charter and all its privileges and powers herein granted, shall continue in force for the term of fifty years from the 25th day of December, (1861) eighteen hundred and sixty-one. ^{Duration of charter 50 yrs}

SEC. XIII. Repeals conflicting laws.

Assented to December 17th, 1861.

(No. 35.)

An Act to incorporate an Insurance Company in the City of Savannah, to be called the Southern Insurance Company.

28. SECTION I. *Be it enacted*, That there shall be established in the city of Savannah, an Insurance Company, the capital stock of which shall be three hundred thousand dollars, but which may be increased to one million dollars should the interest of the Company require it, to be divided into shares of twenty dollars each; but said Company may proceed to organize when one hundred thousand dollars have been subscribed, and five per cent paid thereon. ^{Southern Insurance Co. Capital Stock \$300,000. May be increased to \$1,000,000. Shares \$100 each. Co. may organize when \$100,000 subscribed & 5 pr. ct. pd. in.}

29. SEC. II. *Be it further enacted*, That George Patten, E. H. Bacon, William Cox, George W. Garmany, S. S. Miller, E. E. Hertz, J. W. Gaut, V. W. Skiff, Aaron Wilbur, J. H. Graybill, or any five of them, citizens of the city of Savannah, their associates and successors, are hereby created a body corporate, under the name and style of the Southern Insurance Company; by which name they may have, purchase, receive, possess, enjoy and retain, and sell property of all kinds; sue and be sued, have and use a common seal which they may break, alter and renew at pleasure, elect its own officers, and make such by-laws, rules and regulations as may be deemed necessary to carry into effect the objects of this corporation. ^{Southern Insurance Co. incorporated. Powers and privileges. Corporators. By-laws.}

30. SEC. III. *Be it further enacted*, That said Corporation shall be managed by not less than seven Directors, a majority of whom shall constitute a quorum for the transaction of business; each of which Directors shall be a stockholder to the amount of one hundred shares, who shall be elected at such time and place as the corporators and their successors may designate; and hold their office for one year, or until their successors are elected; the Directors aforesaid shall, out of their number, elect a President, who shall serve for twelve months, or until a successor be elected, and fill any ^{Board of Directors. Eligibility of Directors. Election of Directors. President.}

Southern Insurance Company.

Secretary or
Actuary.
Officers and
agents.

Vacancy in
Ed. of Direc-
tors, how fill-
ed.
One vote for
each share.
Proxy.

vacancy by death or otherwise, in the office of President, and with the advice and consent of the President, elect a Secretary, Actuary, or any other officers or Agents, whose services may be needed in carrying out the objects of this Corporation; a vacancy in the Board of Directors can only be filled by the stockholders, at a meeting held after notice of the time and place of meeting; and further, that there shall be one vote for each share, and that absent stockholders may vote by proxy, *provided*, the party so voting by [as?] proxy, is himself a stockholder.

Powers of
Pres. & Bd.
of Directors.

Agencies.

Bonds may be
taken of agts.
and officers.
President pro-
tem.

Payment of
unpaid stock.

Stock to be
considered
personal prop-
erty.

Delinquent
Stockholders.

Dividends,
Interest,
Transfer of
Stock.
Holders of
policies may
be allowed to
participate in
net profits.

Subjects of
insurance.

Payment of
losses.

Policies and
contracts of
Co. to be bind-
ing must be
signed by
Pres. and
Sec'y or Actu-
ary.
Co. may re-
ceive money
on deposit,
loan and bor-
row money.

31. SEC. IV. *Be it further enacted*, That said President and Directors shall have power to appoint, and remove at pleasure, all officers or Agents of said Corporation; they shall have power to appoint Agents and locate offices, in such places, and at such times, as they shall deem best for the interest of said Company; to prescribe the duties of Agents and officers, to take from them bonds for the faithful performance thereof, to appoint a President pro tem. in the absence of the President; and further, that said President and Directors shall have power and authority, from time to time, to call for the payment of the unpaid stock, in such sums as they may deem proper; and said stock shall be considered and held as personal property; and upon the neglect or refusal of any stockholder to pay the installments as called for by the President and Directors, thereupon, ten-days notice being given in one or more of the city papers, said Board may sell such stock, at public outcry; and said delinquent stockholders shall still remain liable for any balance due, or which may become due by him to said Corporation, and may be sued therefor, in any Court having jurisdiction; and said President and Directors shall have further power to make dividends, and fix the place and define the manner of paying the dividends, paying interest and transferring stock; and said President and Directors shall also have the power to give the holders of the policies of said Company, the right to participate in the net profits of the Company, to such an extent, in such manner, and upon such terms, as they shall deem proper.

32. SEC. V. *Be it further enacted*, That said Corporation shall have authority to insure against losses by fire, in all kinds of property, either real, personal or mixed; also against all the hazards of ocean or inland navigation and transportation of every kind, also to make insurance on lives, and all and every insurance appertaining to the duration of life, for such premiums as it may determine; and said Company shall be liable to make good, and pay to the several persons who may insure in said Company, for the losses they may sustain, or for life insurance, in accordance only with the terms of the contract or policy issued by said Company; and no policy or other contract of said Company, shall be binding except it be signed by the President or Vice President, and Secretary or Actuary of said Company; and said Company shall have power to receive money on deposit, to loan and borrow money, to take and give such securities therefor as may be considered best, to invest its monies upon such terms as may be best, and transfer its property

Southern Insurance Company.—Confederate Fire & Marine Insurance Company.

at pleasure, to purchase and discount notes and bills of Exchange, and do all other acts it may deem advisable for the safe keeping and secure investments of its funds; and said Company shall have power and authority to make re-insurances of any risks that may be taken by them.

Other powers
Co. may re-insure.

33. SEC. VI. *Be it further enacted*, That the said Company shall be responsible to its creditors to the extent of its property, and the stockholders shall be liable to the extent of double the amount of their respective stock, for the debts of the Company, in proportion to the number of shares held by each.

Liability of
Co. and its
Stockholders
for debts of
Co.

34. SEC. VII. *Be it further enacted*, That all claims for losses against said Company shall be due and payable in sixty days after proof of the loss has been furnished at the office of said company; and in disputed cases, in ten days after final decision of the proper tribunal; and in each case named, the sum ascertained to be due, shall bear interest from the time made due and payable.

Payment of
claims for
losses.

35. SEC. VIII. *Be it further enacted*, That all bills, bonds, and promissory notes made payable at the office of said Company, shall have the same legal effect, and may be subject to all legal remedies, the same as if they were made payable at any Bank in this State.

Bills, bonds
and notes
payable to Co.
subject to same reme-
dies as if pay-
able at a
Bank.
Duration of
charter to be
30 years.

36. SEC. IX. *Be it further enacted*, That this charter shall continue and be in full force and effect, for the term of thirty years.

37. SEC. X. *Be it further enacted*, That all laws and parts of laws containing anything contrary to this charter be, and the same are hereby repealed.

Repealing
clause.

Assented to December 17. 1861.

(No. 36.)

An Act to incorporate the Confederate Fire & Marine Insurance Company of Atlanta, and to confer certain powers and privileges.

38. SECTION I. *The General Assembly do enact*, That William Ez-zard, William Markham, James Clark, John Collier, S. Root, J. Calhoun, A. Sloan, Albon Chase and A. Merrill, citizens of the State of Georgia, and their associates and successors, are hereby created a body corporate, under the name and style of the Confederate Fire & Marine Insurance Company of Atlanta; by which name they may sue and be sued, plead and be impleaded, have and use a common seal, elect its own officers, and make such by-laws as may be deemed necessary to carry into effect the object of this corporation.

Corporators

Confederate
Fire and Ma-
rine Insur-
ance Com-
pany of At-
lanta incor-
porated.
Powers and
privileges.
By-laws.

39. SEC. II. *The General Assembly do further enact*, That said Corporation shall be governed and managed by seven Directors, each of whom shall be a stockholder, who shall be elected at such time and place as the corporators and their successors may direct, and hold their office for one year, and until their successors are elected; one of said Directors shall be elected President, and hold his office for the same length of time; said Directors shall fill all vacancies which may occur in the office of President by death, resignation or

Board of Di-
rectors.President.
Vacancy in
office of Pres-
ident.

Confederate Fire & Marine Insurance Company.

Secretary and Treasurer.

Each share entitled to one vote.

Organization of Company.

Books of subscription, where opened.

Capital stock \$250,000.
Shares \$100.

Capital stock may be increased to \$500,000.

When Co. may commence business.

Subjects of insurance.

Co. may re-insure.
May take mortgages, &c.

Stock notes.

Stock of delinquent stockholders may be forfeited.

otherwise; a majority of said Directors shall constitute a quorum for the transaction of business; and with the advice and consent of the President, elect a Secretary and Treasurer, and any other officer whose services may be necessary to carry out the legitimate objects of said incorporation; a vacancy in the Board of Directors shall only be filled by the stockholders, at a meeting held after notice of the time and place of such meeting, in person or by proxy; each stockholder having as many votes as he has shares.

40. SEC. III. *The General Assembly do further enact*, That a majority of said Corporators be, and they are hereby authorized to call a meeting of said Corporators, and may proceed in pursuance with said call, to arrange [organize?] said Company; and proceed to open books for subscription for stock, at such time as they may designate, in the cities of Atlanta, Griffin, and Rome, in said State; the capital stock of said Corporation shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each; and said Corporators and their successors, shall have power, in their discretion, to increase said capital stock to the sum of five hundred thousand dollars; and no one shall be allowed to subscribe for more than two hundred shares of said stock.

41. SEC. IV. *The General Assembly do further enact*, That said corporation may use and exercise the privileges and franchises herein granted, when the sum of fifty thousand dollars is subscribed and each stockholder has paid in cash, to the proper officer, twenty per centum on the amount of his stock, and has made and delivered to the proper officer, a note secured by mortgage on real estate, or otherwise to the entire satisfaction of said Corporators or their successors, for a sum corresponding in amount to his stock less the sum paid in cash; the notes and cash paid in, constituting the capital stock of said Company.

42. SEC. V. *The General Assembly do further enact*, That said Company be authorized to make insurance on dwelling houses, store houses, and buildings, household furniture, merchandize and all other property, against loss or damage by fire; to make marine insurance upon vessels, freight, goods, wares and merchandize, and all and every insurance appertaining [to ?] or connected with marine or inland transportation or navigation risk.

43. SEC. VI. *The General Assembly do further enact*, That said Company may cause itself to be insured against risks it has taken, on real property, take mortgages on any description of property to secure investments of its funds, or re-invest its funds in Railroad, Bank or other stocks.

44. SEC. VII. *The General Assembly do further enact*, That the Directors shall have power to call in any portion of said stock notes, provided it is necessary to pay off any losses sustained by said company; and if any stockholder shall fail or neglect to pay in such installments as may be thus called in, within such time as said Directors may in their by-laws prescribe, his stock shall be forfeited; and every stockholder shall be liable to the creditors of said Com-

Agencies of Foreign Insurance Companies.

pany, upon all the debts and contracts of said Company, to the amount of his or her stock.

45. SEC. VIII. *The General Assembly do further enact, That the principal office shall be located in the city of Atlanta, where the President and Directors may declare half yearly dividends of such profits as may have been ascertained, on the first Monday in January and July, in each and every year.*

46. SEC. IX. *The General Assembly do further enact, That all the privileges, rights and immunities of the Southern Mutual Insurance Company,* of said State, be, and the same are hereby conferred upon the Company.*

47. SEC. X. *The General Assembly do further enact, That the Directors shall not be allowed to use the funds of said Company.—This charter and the privileges, franchises and immunities herein granted, shall continue for the term of thirty years from the passage thereof.*

Assented to December 17, 1861.

* For the Act incorporating the Southern Mutual Insurance Company, see Acts of 1847, p. 126.

(No. 37.)

*An Act to repeal An Act to regulate the Agencies of Foreign Insurance Companies, and to provide for the appointment of an Insurance Commissioner, assented to the 12th of December, 1859.**

48. SECTION I. *Be it enacted by the General Assembly, That the Act referred to in the caption of this Act, be and the same is hereby repealed; Provided, That the provisions of this Act, shall not extend to Insurance Companies located within the United States of America.*

Assented to December 16, 1861.

* See Acts of 1869, p. 28.

Liability of Stockholders for debts of Company.

Principal office of Co. to be in Atlanta.

Dividends.

Further powers and privileges conferred on Co.

The Directors not allowed to use funds of Co. Duration of Charter to be 30 years.

Act of 12 Dec., 1859, repealed, except as to Insurance Cos. in the U. S.

TITLE XV.

JUDICIARY.

I. SUPREME COURTS.

ART. I. TERM OF OFFICE OF JUDGES.

II. SUPERIOR AND INFERIOR COURTS AND COURTS OF ORDINARY.

ART. I. SESSIONS OF COURTS.

“ II. ACTION, PROCEEDINGS, &C.

“ III. EVIDENCE.

“ IV. JUDGMENTS AND EXECUTIONS.

“ V. STATUTES OF LIMITATION.

III. COURTS OF SPECIAL JURISDICTION.

ART. I. CITY COURT OF AUGUSTA.

“ II. JUSTICES COURTS.

I. SUPREME COURTS.

ART. I. TERM OF OFFICE OF JUDGES.

Sec. I. Term of office 6 years.

(No 3S.)

An Act to preeccribe the term of office of the Judges of the Supreme Court of this State.

SECTION I. *The General Assembly enacts*, That the Judges of the Supreme Court of this State shall hold their office for the term of six years,* and until their successors are appointed and qualified.

Term of of-
fice of Judges
of Supreme
Court 6 years.

SEC. I. Repeals conflicting laws.

Assented to December 14, 1861.

* The Judges of the supreme Court heretofore held their office six years; (T. R. R. Cobb's New Digest, p. 447;) but the above Act was passed according to the requirements of the New Constitution of the State; which declares that the Judges shall hold their office "for such term of years as shall be prescribed by law." See IV. ARTICLE, I. Sec., 2d item, of the New Constitution.

II. SUPERIOR AND INFERIOR COURTS.

ART. I. SESSIONS OF COURTS.*

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| <p>Sec. 1. Adjournment of Superior Courts in Northern Circuit legalized.</p> <p>" 2. Superior Courts when held in Columbia, Washington, Johnson, Emanuel, Richmond, Screven, Jefferson and Burke.</p> <p>" 3. Superior Courts when held in Putnam.</p> <p>" 4. Processes, &c.,</p> <p>" 5. Superior Courts when held in Lumpkin, and Cobb.</p> <p>" 6 Superior Courts when held in Towns.</p> <p>" 7. Superior and Inferior Courts when held in Milton.</p> | <p>Sec. 8. Suitors, writs, recognizances, &c.</p> <p>" 9. Superior Courts when held in White, Rabun, Habersham, Franklin and Banks.</p> <p>" 10 Adjournment of Superior Courts in Habersham and Banks.</p> <p>" 11 Holding of adjourned terms of Superior Courts to be at discretion of Judge.</p> <p>" 12 Juries for adjourned terms.</p> <p>" 13. Adjournment of Inferior Courts and Courts of Ordinaries, in certain cases.</p> |
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(No. 39.)

An Act to legalize the adjournment of certain Superior Courts in the Northern Circuit.

WHEREAS, On account of the absence of the Honorable Thomas W, Thomas, Judge of the Superior Courts for the Northern Circuit, in the military service of the country, the Superior Courts of certain counties in that Circuit were not held at the regular time in the months of August, September and October in the present year; *And Whereas*, By an order passed by said Judge and dated the thirtieth day of July, in the year 1861, the said Courts were adjourned to the times hereinafter stated; *And Whereas*, the legality of said order is doubted:

1. SECTION I. *The General Assembly of the State of Georgia do enact*, That the adjournment of said Courts by virtue of said order, to-wit: The Superior Court of Taliaferro county to the third Monday of November, 1861, of Elbert county to the fourth Monday of November, 1861, of Hart county to the first Monday of December, 1861, of Madison county to the second Monday of December, 1861, of Lincoln county to the third Monday of December, 1861, of Oglethorpe county to the first Monday of January, 1862, of Warren county to the second Monday of January, 1862, and of Glasscock county to the third Monday of January, 1862, are hereby made legal; and the proceedings of said Courts at the said adjourned terms, shall be as valid as if had at a regular Term under existing laws.

Assented to December 3, 1861.

(No. 40.)

An Act to alter and fix the times for holding the Superior Courts in the several counties composing the Middle District, and for other purposes connected therewith.

2. SECTION I. *It is enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the times for

* For Act legalizing the official Acts of Augustus B. Raiford and Sterling Glover, Deputy Sheriffs of Samuel Dawson, late Sheriff of Sumpter county. The same Act also legalizes the Session of the Courts in Sumter county, at which said Deputies officiated.

Superior Courts in the Middle District.—Superior Courts in Putnam County.

Superior
Courts when
held in the
Middle Cir-
cuit viz: Co-
lumbia,
Washington,
Johnson,

Emanuel,

Richmond,
Scriven,

Jefferson and
Burke.

Processes,
&c.

holding the Superior Courts in the several counties that compose the Middle District, shall be as follows, namely: In Columbia, the first Mondays of March and September; in Washington, the second Mondays of March and September; in Johnson, the fourth Mondays of March and September; in Emanuel, the first Mondays of April and October; in Richmond, the second Mondays of April and October; in Scriven, the first Mondays of May and November; in Jefferson, the second Mondays of May and November; in Burke, the third Mondays in May and November; and that all bills, writs, precepts, processes and summonses heretofore issued, returnable to the several Courts in the counties named at the times now fixed by law, be held to be returnable at the first Term to be held in pursuance of this Act; and that all suitors, jurors, witnesses, and other persons who may be bound to attend said Courts, be required to attend them at the times now fixed, without other or further notice.

SEC. II. Repeals conflicting laws.

Assented to December 3, 1861.

(No. 41.)

An Act to change the time of holding the Superior Courts of the County of Putnam.

Superior
Courts when
held in Put-
nam.

3. SECTION I. *Be it enacted by the General Assembly*, That from and after this enactment, the sessions of the Superior Courts of Putnam county, shall be on the fourth Mondays of March and September, in each and every year.

Processes,
&c.

4. SEC. II. *And be it further enacted*, That all processes, subpoenas, summonses, &c., issued or to be issued, shall be made to conform to the above alterations in the sessions of said Court.

Assented to December 12, 1861.

(No. 42.)

An Act concerning the Superior Courts of the counties of Lumpkin and Cobb; and changing the existing law in relation thereto; and to change the time of holding the Superior Courts of the county of Towns; and also to change the time of holding the Superior and Inferior Courts of the county of Milton, and to change the times of holding certain other Courts herein mentioned, and to legalize processes returnable to said Courts.

Preamble.

WHEREAS, By existing law, the Judge of the Superior Courts of the Blue Ridge Circuit, is required to draw Grand and Petit jurors for two weeks to serve in the Superior Courts of said county of Cobb; *And Whereas also*, by existing law, the Criminal Docket of said Court is not to be called for the trial of cases thereon, until Monday of the second week of said Court; *And Whereas*, under existing circumstances, it is believed that one week will suffice for

Change of time of holding the Superior Courts in certain counties.

the trial of all the business civil and criminal cases, pending in the Superior Courts of said county of Cobb, and also Lumpkin.

5. SECTION I. *The General Assembly do enact*, That the Superior Courts of said county of Lumpkin, be held on the first Monday in February and August, in each year; and in said county of Cobb, on the third Monday in March and September, of each year; that the Judge of said Court shall not be required to draw jurors for two weeks of either of said Courts as heretofore, for the county of Cobb; and that it shall not be obligatory on the Judge of said Circuit to hold two weeks Court in either of said counties.

Superior Courts when held in Lumpkin Co. In Cobb. Jurors. Court to be held but one week in a term.

6. SEC. II. That the Superior Courts of said county of Towns, be held on Thursday after the third Mondays of May and October, in each year.

In Towns.

7. SEC. III. That the Superior Courts of said county of Milton, be held on the fourth Mondays in March and September, of each year; and that the Inferior Courts of said county of Milton, be held on the fourth Mondays of June and December, of each year.

In Milton. Inferior Courts in Milton.

8. SEC. IV. That it shall be the duty of all persons who have entered into bonds or recognizances to answer criminal prosecutions to appear and answer the same as though said bonds and recognizances had been taken in conformity to the aforesaid alterations; and that all writs, processes, subpoenas and recognizances returnable to any of the aforesaid Courts, shall be deemed and held as though made returnable to the days, and in conformity to the aforesaid changes and alterations.

Suitors, recognizances, &c.

9. SEC. V. That the time of holding the Superior Courts of the counties of White, Rabun, Habersham, Franklin and Banks, be changed as follows, to-wit: The Superior Court of the county of White, shall be hereafter held on Thursdays after the third Mondays in March and September; the Superior Courts of the county of Rabun, shall be held on the fourth Mondays in March and September; the Superior Courts of the county of Habersham, shall be held on Thursdays after the fourth Mondays in March and September; the Superior Courts of the county of Franklin, shall be held on the first Mondays in April and October; and the Superior Courts of the county of Banks, shall be held on Thursday after the first Monday in April and October; and that all writs and processes pending therein, or returnable to any of said Courts, shall be held valid, as if made returnable to the time of holding said Courts respectively as fixed by this Act.

Superior Courts when held in counties of White, Rabun, Habersham, Franklin and Banks, viz: In White, In Rabun, In Habersham, In Franklin and Banks. Writs, process &c.

SEC. IV. Repeals conflicting laws.

Assented to December 17, 1861.

(No. 43.)

An Act to legalize the adjournment of the Superior Courts in the counties of Habersham and Banks, and for other purposes.

WHEREAS, From providential causes the Superior Courts in the counties of Habersham and Banks, were not held at the October Term of the present year, 1861:

Preamble.

Judges of the Superior Courts—Justices of the Inferior Courts and Ordinaries.

Adjournment of Superior Courts in Habersham and Banks, legalized. Parties to appear accordingly.

10. SECTION I. *The General Assembly do enact*, That the adjournment of said Superior Courts of the counties of Habersham and Banks, by the Clerks thereof, to the next April Term of said Courts, be made legal and valid; and that parties to suits in said Courts be authorized to enter their pleas and file their answers to suits in said Courts; and that said suits stand for trial at the next April term of said courts, as though the Dockets of said Courts had been called and pleas and answers filed at the regular Terms of said Courts, in October last.

SEC. II. Repeals conflicting laws.

Assented to December 14, 1861.

(No. 44.)

An Act to amend the Act approved 11th December, 1858, to compel the Judges of the Superior Courts of each Circuit in the State, to hold adjourned terms in every County within their Circuit where the business requires, until the docket is cleared, and for other purposes.*

Holding adjourned terms of Superior Courts, to be held to discretion of Judge.

11. SECTION I. *Be it enacted*, That the holding of adjourned terms of the Superior Courts, for the disposition of the business upon its dockets, shall rest in the sound discretion of the presiding Judge.

Trials for adjourned terms.

12. SEC. II. *Be it further enacted*, That when an adjourned Court shall become necessary in the opinion of the presiding Judge, he shall, in the exercise of a sound discretion, cause new Juries to be drawn for the same, or order the Juries drawn for the regular term to give their attendance at such adjourned term.

SEC. III. Repeals conflicting laws.

Assented to December 17th, 1861.

* Acts of 1858, p. 85.

(No. 45.)

An Act to authorize the Justices of the Inferior Courts and Ordinaries of the several Counties, to appoint some fit and proper person to open and adjourn said Courts in the absence of an officer to do so.

Adjournments of Inferior Courts and Courts of Ordinary, in certain cases.

13. SECTION I. *Be it enacted*, That from, and immediately after the passage of this Act, it shall be lawful for the Justices of the Inferior Courts and Ordinaries of the several Counties, to appoint some fit and proper person to open and adjourn said Courts in the absence of an officer to do so.

SEC. II. Repeals conflicting laws.

Assented to December 14, 1861.

NOTE.—For Acts relative to adjournment of Inferior Courts, see T. R. R. Cobb's new Digest, p. 461; and see for adjournment of Courts of Ordinary, *ibid.* 281-5. There being no provision in the Act of January 21, 1852, reorganizing the Court of Ordinary under the amended Constitution of that year, in relation to the mode of adjournment of the new Court, or by what officer it should be adjourned, the old law obtained, which governed in that respect when the Probate Court was held by the Justices of the Inferior Court, "sitting as a Court of Ordinary."

Act to empower Justices of Inferior Courts to discharge criminals, &c. amended.—Claims of alien enemies.

ART. II.—ACTION, PROCEEDINGS, &c.

Sec. 1. Inferior Courts may discharge criminals from jail, in certain cases.
 " 2. Collection of sequestered claims in this State.
 " 3. Costs in such cases.
 " 4. Costs to be paid out of funds raised from sequestered claims.
 " 5. Attachments on such claims.

Sec. 6. Suits against Insurance Companies.
 " 7. Service how perfected.
 " 8. Continuance of causes in the Courts where parties are in military service.
 " 9. Also where a material witness is in military service and his testimony cannot be had.

(No. 46.)

*An Act to amend an act to authorize and empower the Justices of the Inferior Courts of this State, to discharge criminals or offenders against the law, from Jail, in certain cases, and also to discharge Defendants in certain civil cases, approved December 29th, 1847.**

1. SECTION I. *The General Assembly do enact*, That the first section of the above recited Act be so amended as to read as follows, to-wit: That from and after the passage of this Act, when any criminal or offender against the law of this State shall be confined in any of the jails thereof, under a sentence of imprisonment for a definite period and until all costs and fines are paid, and the said criminal or offender, after the time of his imprisonment shall have expired, shall be unable to pay [such ?] fines and costs, or either, it shall and may be lawful for the Justices of the Inferior Court, in their discretion, (the whole Court therein concurring) when such criminal or offender against the law may be confined, to discharge him from such confinement.

Inferior Courts may discharge criminals from jail, in certain cases.

Assented to December 14, 1861.

* For this Act see T. R. R. Cobb's new Digest, p. 863.

(No. 47.)

An Act to authorize the Receiver or Receivers appointed under the Sequestration Act of the Confederate States, to bring suit on all claims of Alien enemies, sequestered in any of the Courts of this State, and to maintain all suits which are now pending in any of the Courts, and for other purposes.

2. SECTION I. *Be it enacted*, That from and after the passage of this Act, the Receiver or Receivers appointed under and by virtue of the Sequestration Act passed by the Congress of the Confederate States, be and they are hereby authorized to sue all sequestered claims which are not in suit, and maintain and prosecute all cases which are now pending in any of the Courts, and to proceed to collect all judgments, si fas issued from any of the said Courts in favor of said Alien enemies, that have or shall hereafter be sequestered, in the same manner as the original plaintiffs would have been entitled to have done, provided they had not have become Alien enemies; and in all such cases, the Receiver or Receivers shall be made a party plaintiff, on motion before the Court, and the name of the Alien enemies shall be stricken out and the name

Suits on sequestered claims may be brought in State Courts.

Judgments on sequestered claims may be collected.

Suits against Insurance Companies,

of the Receiver or Receivers inserted, in all cases now pending, and in all fi fas ; and that all suits shall be commenced by petition on all sequestrated claims, in the name of the receiver, for the use of the Confederate States, according to the law of this State regulating actions at law or in equity, [and they?] shall be the same as in all other cases in said Court ; [and ?] the Court in which the judgment may be rendered shall have discretionary power as to taxing the costs, according to the equity of each case.

Costs &c.

Costs where Receiver fails to get judgment.

3. SEC. II. *Be it further enacted*, That in all cases where the said Receiver or Receivers shall fail to recover judgments in any cause, judgments may be signed against such Receiver in his official capacity ; but no personal liability shall attach to said Receiver, but such cost accruing shall be paid out of the first money raised in said Court out of the sequestration funds.

Costs to be paid out of funds raised from sequestrated property. Receiver may sue by Attorney.

4. SEC. III. That all costs due to the officers of Court, on any of said sequestrated cases, shall be the first money paid out of the sequestrated fund arising in said Court ; *And be it further enacted*, That said Receiver or Receivers may prosecute such claims through any attorney at law whom he may appoint or employ for such purpose.

Attachments on such claims.

SEC. IV. *And be it further enacted*, That said Receiver or Receivers, or any attorney at law, may sue out attachment in the name of the Receiver, for the use of the Confederate States, by making the affidavit as now required by the laws of this State in case of attachment; and the proceedings shall be the same as in all other cases of attachment.

SEC. V. Repeals conflicting laws.

Assented to December 16, 1861.

(No. 4S.)

An Act to define and fix the manner in which suits may be instituted against Insurance Companies in this State, and to prescribe the manner in which service shall be effected upon them.

Suits against Insurance Companies.

6. SECTION I. *The General Assembly do enact*, That whenever any person may have any claim or demand upon any Insurance Company having agencies, or more than one place of doing business, it shall be lawful for such person or persons, to institute suit against said Insurance Company, within the county where the principal office of such Company is located, or in any county where such Insurance Company may have an agency, or place of doing business, [which] was located at the time the cause of action accrued, or the contract was made out of which said cause of action arose.

How service to be perfected against them.

SEC. II. In all such suits, service shall be effected upon such Insurance Company, by leaving a copy of the bill or writ, with the agent of the Company, if any ; if no agent should be in the county, then at the agency or place of doing business, or where the

Continuances.—Open Accounts.

same was located at the time such cause of action accrued, or the contract was made out of which the same arose.

SEC. III. Repeals conflicting laws.

Assented to Dec. 16, 1861.

(No. 49.)

An Act to authorize Continuances of Cases pending in the Superior and Inferior Courts and City Courts of this State, during the War, in certain cases.

8. SEC. I. *The General Assembly of the State of Georgia do enact,* That the Judges of the Superior and Inferior Courts and City Courts of this State, are hereby authorized to grant a general continuance, and from Term to Term, of all causes in behalf of Plaintiffs and Defendants when they are in the military service of the Confederate States or of the State of Georgia, as also where the Attorney of either Plaintiffs or Defendants is in the military service, and who was employed as Counsel before entering said military service.

Continuance of causes in courts during the war when parties are in the service.

9. SEC. II. *And be it further enacted,* That when it shall be made to appear that either party has a material witness absent, or who is in the military service as aforesaid, who alone can prove the material facts in the case, and that it has not been in the power of the party to procure the testimony of said absent witness by interrogatories since the passing of this Act, then, in such case, the Court, being satisfied from the circumstances, that the showing for a continuance was not made for delay only, may enter the case continued generally.

Also when material witness is in the service, and his testimony cannot be had.

SEC. III. Repeals conflicting laws.

Assented to December 14, 1861.

ART. III.—EVIDENCE.

Sec. 1. Proof of open accounts.

| Sec. 2. Rules of evidence to be relaxed by Judges, in certain cases.

(No. 50.)

An Act to prescribe the proof in certain cases of open Accounts in the several Courts of this State.

1. SEC. I. *Be it enacted,* That in all cases of suits on open accounts in the several Courts of this State, where the writ or process has been served personally as the law now directs, on the defendant, and there is no defence made by the party sued, either in person or attorney, at the time the case is submitted for trial, the case shall be considered in default; and the plaintiff or plaintiffs shall be permitted to take verdict, as if each and every item has [been?] proved by testimony.

Proof of open accounts.

SEC. II. Repeals conflicting laws.

Assented to December 13, 1861.

(No. 51.)

An Act to allow Secondary proof and Testimony in cases where Copy Wills, Deeds, and other papers cannot be procured, and for other purposes.

WHEREAS, In consequence of the Secession of the State of Georgia from the late United States, and the impossibility of communication with the States now composing said Government of the United States, by reason of the existing war, it is not practicable to procure certified copies of Wills, Deeds, Contracts, and other papers, under the rules of Law, nor the testimony of witnesses residing therein, by reason whereof much wrong and injury is likely to hapen to citizens of this State,—for remedy whereof.

Judges to relax rules of evidence, in certain cases.

2. SECTION I. *The General Assembly do enact*, That in all suits or other legal proceedings, whether at law or in equity, and whether the same are now pending, or shall be hereafter instituted, it shall and may be lawful for the presiding Judge in the trial of all such cases or proceedings, so to relax and change the rules of evidence, as to him may seem best and most to promote the ends of Justice; and to admit and allow such proof and testimony as the nature of each case may require.

SEC. II. All conflicting laws are hereby repealed.

Assented to December 16, 1861.

ART. IV.—JUDGMENTS AND EXECUTIONS.

SEC. 1. Stay law re-enacted.

“ 2. Stay of executions on judgments obtained against soldiers while in service.

“ 3. Such judgments may be opened.

SEC. 4. Certain judgments and orders of Ordinaries while in service legalized. Proviso.

“ 2. Effect of judgment of divorce.

(No. 52.)

An Act to continue in force the 4th Section of an act passed over the Governor's veto on the 30th day of November, 1860, entitled “An Act to provide against the forfeiture of the several bank charters of this State on account of non-specie payments for a given time, and for other purposes, passed in the year 1857;† and to suspend the pains and penalties imposed upon the several banks and their officers in this State, for non-payment of specie, and other purposes,” and also “An Act to add a proviso to the 4th Section of An Act entitled An Act for the relief of the people and banks of this State, and for other purposes, passed on the 30th of November, 1860; and to add an additional Section to said Act,” assented to 20th December, 1860.‡*

Stay Law re-enacted.

1. SECTION 1. *Be it enacted*, That the before recited part of An Act, and also the before recited Act, be, and the same are hereby re-enacted and continued in force until the first day of December, 1862.

Assented to November 30th, 1861.

*Acts of 1860, p. 21, 22, 23.

†Acts of 1857, p. 26, 27, 28, 29.

‡Acts of 1860, p. 23.

See also notes of Act No. 6, to continue Bank suspension, Title BANKS AND BANKING.

Stay of execution on judgments against soldiers in service—Orders and Judgments of Ordinaries.

(No. 53.)

An Act for the Protection of Soldiers in the service, against judgments, in certain cases.

2 SECTION I. *The General Assembly of Georgia do enact as follows:* That no judgment which has been obtained, or which may hereafter be obtained in any of the Courts of this State, against any soldier, during his absence from home in the service of this State or of the Confederate States, shall be enforced by execution until three months shall have expired from such time of such soldier's discharge from service. Stay of executions on judgments obtained against soldiers while in service.

3. SEC. II. That in all cases where any judgment has been or may hereafter be obtained against any soldier whilst he is absent from home in the service of the State or Confederate States as aforesaid, such soldier shall have the right at any time within three months after his discharge, to open such judgment, by making an affidavit that he was not personally served with process in the case in which the judgment was obtained, and that he has a good and subsisting defence against such judgment; which defence shall be stated in the affidavit; and the issue thus made shall be tried as in cases of illegality. Such judgments may be opened.

SEC. III. Repeals conflicting laws.

Assented to 14th December, 1861.

(No 54.)

An Act to legalize the Orders and Judgments of Ordinaries of this State, where the same may be passed by them beyond the limits of the same.

4. SECTION I. *The General Assembly do enact,* That all orders or judgments heretofore passed or pronounced in granting leave to sell land or other property of deceased persons, by the Ordinary of any county while he is absent in the service of the State or Confederate States, where all the legal notices required by law have been, or may be given of such intended application, and all legal requirements have been, or may be complied with, and where no objections have been, or shall be filed, shall be deemed, held and taken, as binding and effectual to all intents and purposes, as if the same were pronounced in open Court by the Ordinary at the proper time. *Provided, nevertheless,* that any person who may have an interest in the property ordered to be sold, his agent, attorney or next friend, shall have the right to enter a *caveat* against the sale of said property, at any time before the sale thereof; which caveat shall suspend such judgment or order, until all the parties can be heard before the Ordinary in the county, in the regular mode of such proceeding; and any person aggrieved by said order, may attack it for fraud, in any Court where it may be sought to be used for the protection of the party procuring the same. Certain judgments and orders rendered by Ordinaries while in service, legalized. Proviso.

Assented to December 13, 1861.

(No. 55.)

An Act to relieve certain persons from the pains and disabilities of a judgment of Divorce.

A person against whom a judgment of divorce has been rendered may contract marriage again after a year from date of such judgment.

5. SECTION I. *The General Assembly of Georgia do hereby enact,* That all persons who have had a judgment Divorce rendered against them, shall have the right and privilege of contracting marriage again, after the lapse of one year from the time of the rendering of the final judgment in the Divorce case.

SEC. II. Repeals conflicting laws.

Assented to December 12th, 1861.

NOTE.—The third Section of the act of 5th Dec. 1860, was in these words, viz: "In all cases where the verdict shall be for an absolute divorce, the party whose improper or criminal conduct shall authorize such divorce, shall not be permitted to marry again during the life of the other party, and in case of such second marriage, the party so offending shall be subject to the pains and penalties enacted against bigamy. *Provided always,* that where the marriage is declared void for such causes existing before such intermarriage as are recognized by the Ecclesiastical Courts, the said parties may marry again, any thing herein contained to the contrary notwithstanding." See T. R. R. Cobb's New Digest, p. 235.

ART. V.—STATUTES OF LIMITATIONS.

SEC. 1. Statutes of limitations suspended.

SEC. 2. Shall commence to run again when peace shall be declared.

(No. 56.)

An Act to suspend the Statutes of Limitation, and for other purposes.

Statutes of limitation suspended.

1. SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, the Statutes of limitation now in force, be and the same are hereby suspended during the present war.

Shall commence to run again when peace is declared.

2. SEC. II. *Be it further enacted,* That in all cases where the statute of limitation has commenced to run, the same shall be suspended until peace is declared by the Proclamation of the President of the Confederate States; at which time it shall commence, computing the time it had already run at the time of the passage of this Act, in favor of any person or persons, or corporation relying on the same.

SEC. III. Repeals conflicting laws.

Assented to December 14, 1861.

NOTE.—The Statutes relating to limitation of actions are too numerous to be referred to separately in a note. See, generally, T. R. R. Cobb's New Digest, Title "Limitation of Actions;" from page 559 to 570. See also Acts of 1851 '52, p. 233 to 240; Acts of 1855 '56, p. 233; Acts of 1859, p. 50.

III. COURTS OF SPECIAL JURISDICTION.

ART. I. CITY COURTS.

[For Act authorizing the City Council of Augusta to fix the salary of the Judge of the City Court of said City, see Act No. 87, Title "Cities and Towns," Private and Local Laws.]

ART. II. JUSTICES COURTS.

SEC. 1. Cases of trespass upon personal property may be tried in Justices Courts. SEC. 2. When J. P. dies before answering a certiorari pending, Judge to order a new trial in the Court below.

(No. 57.)

An Act to give to the several Justices Courts of this State, jurisdiction in cases sounding in damages in certain cases.*

1. SECTION 1. *Be it enacted*, That the Justices Courts of this State, shall have power to try all cases of trespass upon personal property, where the amount claimed does not exceed the jurisdiction of the Court, and give judgment for plaintiffs for the amount of damages that may be proven, under the same rules and regulations in such cases, as in the Superior Courts. *Provided*, That either party being dissatisfied with the judgment of the Court, shall have the right of an appeal to a jury; and the same shall be tried as other appeals in said Court.

Cases of trespass upon personal property may be tried in Justices Courts.

SEC. II. Repeals conflicting laws.

Assented to December 9, 1861.

*By act of 1799, it was declared that "no Justice of the Peace shall sustain or try any satisfaction in damages for any trespass on the person or property of such plaintiff." T. R. R. Cobb's New Digest, p. 635.

(No. 58.)

An Act to amend the Certiorari laws of this State.

2. SECTION I. *The General Assembly of the State of Georgia do enact*, That in all cases now pending, or which may be hereafter pending in the Superior Courts of this State, upon certiorari, from any Justices Court, and the Justice or Justices before whom the case was tried, may have died before answering the writ of certiorari served, then it shall be the duty of the presiding Judge, forthwith, to order a new trial to be had upon the case in the Court below.

When the J. P. dies before answering a Certiorari pending, Judge to order new trial in Court below.

SEC. II. All laws conflicting are hereby repealed.

Assented to December 11, 1861.

Supreme Court Decision. Where the Justices of the Inferior Court issue execution against the County Treasurer and his sureties, improperly, *Certiorari* is not the remedy—such Justices not being a Court. 29 Ga. Repts, 155.

TITLE XVI.

MILITARY.

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| <p>Sec. 1. Pay of troops in State service. No. of troops in Company. Chaplains.</p> <p>" 2. Chaplain, how appointed—his pay, &c</p> <p>" 3. Persons heretofore serving as Chaplains to be paid.</p> <p>" 4. \$350,000 appropriated for manufacture and purchase of arms.</p> | <p>Sec. 5. Governor to buy machinery, &c., and put in operation in Penitentiary for the manufacture of arms.</p> <p>" 6. Governor may purchase arms and artillery.</p> <p>" 7. Inspection of arms.</p> |
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(No. 59.)

An Act to amend the Military Laws of this State.

Pay and allowance of Troops in State service; No. in a Company; Chaplains.

1. SECTION I. *The General Assembly of the State of Georgia do enact as follows, to-wit:* That all troops, of every character, now in the service of Georgia, or that may hereafter be called into the service, shall receive the same pay and allowance as that allowed to the Confederate troops; and each Company hereafter called into service, shall have the same number,* rank and file, as that required by the laws of Congress and the Army Regulations of the Confederate States; and Chaplain and Surgeon may be appointed, with the same rank and pay as those in the Confederate Army.

Assented to December 14, 1861.

* By the third Section of Act of 18th December, 1860, a Company of Infantry must have no less than fifty nor more than eighty *rank and file*; and by the fifth Section of the same Act, a Company of Cavalry could not have less than thirty-five men, *rank and file*, nor more than sixty; and by the sixth Section, a Company of Artillery could not have less than sixty-four nor more than eighty men. See Acts of 1860, p. 50.

(No. 60.)

An Act to amend An Act entitled An Act to provide for the Public Defence, and for other purposes, assented to December the 18th, 1860.

Chaplains, how appointed.

2. SECTION I. *The General Assembly do enact,* That to each regiment organized under the provisions of the above entitled Act, there shall be a Chaplain, to be appointed by the Governor, upon the recommendation of a majority of the commissioned officers of the regiment, whose pay and rations shall be the same as those allowed by the Congress of the Confederate States to Chaplains of the Confederate Army, and who shall be provided by the regimental Quartermaster with a separate tent for his use as Chaplain.

Persons heretofore serving as Chaplains, to be paid.

3. SEC. II. *The General Assembly do further enact,* That such persons as have been serving in the capacity of Chaplain in any of the military forces of this State, with the approbation of the commanding officer, shall be entitled to the foregoing pay and emolument, from the date of the commencement of their services.

Assented to December 16, 1861.

NOTE.—Heretofore our Statutes made no provision for Chaplains in the Army.

(No. 61.)

An Act to provide for the manufacture and purchase of arms for the public defence, and to appropriate money for the same.

4. SECTION I. *Be it enacted by the General Assembly,* That the sum of three hundred and fifty thousand dollars be, and the same is hereby appropriated and set apart out of any money in the Treasury not otherwise appropriated, as a fund for the manufacture and purchase of arms for the public defence; and should there at any time be a deficiency of money in the Treasury, not otherwise appropriated, necessary to meet in whole, or in part, as it may be needed, the said appropriation, then His Excellency the Governor shall be, and he is hereby authorized and empowered to issue and negotiate bonds of the State, in sums of five hundred dollars each, payable twenty years from date, bearing eight per cent interest payable semi-annually with coupons attached, in such amount as may be needed from time to time, to supply such deficiency; which bonds may be redeemed at the option of the State, at any time, after the expiration of five years from the time they are issued; *Provided,* That in lieu of the bonds provided for herein, the Governor, in his discretion, may issue a part of said amount in Treasury notes of this State.

\$350,000 appropriated for manufacture and purchase of arms.

Gov. may issue State bonds to raise the money or may issue State Treasury Notes in their stead.

5. SEC. II. *Be it further enacted,* That His Excellency the Governor be, and he is hereby authorized and empowered to procure and purchase all the machinery, tools, implements, and materials necessary to be used in the manufacture of arms, such as muskets, rifles, and bayonets, and to pay for the same out of the appropriation herein made; and to direct said machinery to be put in operation in the Penitentiary of this State; and to employ such of the convicts therein confined, as may be needed, in the manufacture of the arms aforesaid, under the direction of an Armorer and Superintendent, to be appointed by the Governor, together with as many master workmen, as may be necessary to conduct said work, at such salaries as the Governor in his discretion may deem proper; and His Excellency the Governor is hereby empowered to put such machinery in operation at such other place or places, as he in his discretion may think proper.

Gov. to buy machinery, &c., and put in operation in Penitentiary, for manufacturing arms.

6. SEC. III. *Be it further enacted,* That His Excellency the Governor be, and he is hereby authorized to use, from time to time, such part of said appropriation as may be necessary to pay for such arms above specified, as he in his discretion may purchase, and for the purchase of such artillery as may at any time be needed for the public defence, together with all accoutrements and munitions of war necessary to accompany the same, and as far as practicable, to have said arms and artillery thoroughly tested and inspected before a purchase is made.

Gov. may purchase arms and artillery.

7. SEC. IV. *Be it further enacted,* That His Excellency the Governor be, and he is hereby authorized to employ one or more com-

inspection of
arms.

petent officers to test and inspect such arms as he, in his discretion, may purchase, so far as it may be practicable to have them tested and inspected; and to pay such officers out of the fund hereby appropriated, such compensation as he, in his discretion, may deem proper.

Assented to December 12, 1861.

TITLE XVII.

MONOPOLIES.

- Sec. 1. Buying certain articles pretending falsely to purchase for Government, made penal. Imprisonment in Penitentiary. Onus of proving agency on defendant.
- " 2. Monopolizing certain articles made penal. Penalty, fine not over \$5,000.
- " 3. Demanding exorbitant prices for such articles, deemed extortion. Penalty, fine or imprisonment, or both.
- " 4. Duties of juries in all trials under said 3d Section.

- Sec. 5. Provision in case a Corporation violates the foregoing Sections of this Act.
- " 6. In relation to such articles purchased outside of Georgia.
- " 7. Judges Superior Courts to give this Act in special charge to Grand Juries.
- " 8. Indictments under this Act.
- " 9. Act to take effect 15th December, 1861; and continue in force 12 months, or till end of war.

(No. 62.)

An Act to prevent, during the existing War, Monopolies, Extortions and Speculation in Breadstuffs and other articles of general use and consumption, and to make such acts criminal, and to provide penalties for the same.

Buying cer-
tain articles
pretending
falsely to pur-
chase for Gov-
ernment or
soldiers, or
made penal.

1. SECTION I. *Be it enacted by the General Assembly, That if any person shall purchase any articles of clothing, shoes, leather, cloth of any kind, provisions, wheat, flour, corn, corn meal, meat, bacon, hogs, cattle, salt, bagging, rope and twine, or any or either of the aforesaid articles, or any other article or thing, and shall falsely represent that he or they is or are purchasing such article or articles for the soldiers or Government, or Army of this State, or of the Confederate States, or of any of the Confederate States, or for any Army or troops friendly to the Confederate States, or shall, by any fraudulent contrivance, induce, or attempt to induce the vendor to believe that he or they is, or are, purchasing such article or articles for the Army or Government of this State, or the Confederate States, or of any of the Confederate States, such person so offending, shall be guilty of a felony; and upon conviction thereof in the county where the purchase may be made, shall be punished by imprisonment and hard labor in the Penitentiary, not less than one year, nor longer than three years; and upon all trials for such offence, after proof of the representation shall be made, the onus of proving the agency shall rest upon the defendant.*

Penalty, im-
prisonment in
Penitentiary.

Onus of pro-
ving agency
on defendant.

2. SEC. II. *Be it further enacted*, That all and every person or persons who shall monopolize any of the articles above mentioned, with intent to produce a scarcity of such article or articles in the market, or of raising the price or prices of such articles, or either of them, or if any person or persons shall purchase, procure, or receive any of the articles specified in the preceding section, and hold the same for the purpose of engrossing the market and raising the price of such article or articles, such person or persons so offending, shall be guilty of a misdemeanor; and upon conviction thereof, shall be fined in a sum not less than five hundred dollars, nor exceeding five thousand dollars.

Monopolizing certain articles, made penal. Penalty, fine not over \$5,000.

3. SEC. III. *Be it further enacted*, That any person or persons who shall exact, demand, or receive exorbitant, unjust, or unreasonable prices for any of the articles enumerated in the foregoing sections of this Act, shall be guilty of the crime of extortion; and upon conviction thereof, shall be punished by fine or imprisonment, or both, in the discretion of the Court; the fine not to exceed one thousand dollars, and the imprisonment not to exceed six months.

Demanding exorbitant prices for such articles deemed extortion. Penalty, fine or imprisonment, or both.

4. SEC. IV. *Be it further enacted*, That in all trials for a violation of the third section of this Act, the Jury may take into consideration the cost of producing the articles, with expenses of transportation to market, if the defendant be a manufacturer or producer thereof; and the original price paid therefor, with cost of transportation, if the defendant be a merchant or trader.

Duties and powers of juries in all trials under said 3rd section.

5. SEC. V. *Be it further enacted*, That if any or either of the offences specified and described in the foregoing sections, shall be committed by a Corporation through its agents, the President and Directors of such Corporation, as also the agent so offering the article for sale, shall be liable to be severally indicted for such offence; and upon conviction, shall be punished as is herein before prescribed.

Provision in case a Corporation violates the act.

6. SEC. VI. *And be it further enacted*, That any of the above articles may be purchased without the limits of this State, and imported into this State for sale, and at a price not exceeding the current prices in the neighborhood where the same may be offered for sale.

In relation to such articles purchased out of this State.

7. SEC. VII. *Be it further enacted*, That it shall be the duty of the Judges of the Superior Courts of this State, at the opening of each session of their respective Courts, to give the provisions of this Act in special charge to the Grand Jury.

Judges of Superior Courts to give this act in special charge to Grand Juries.

8. SEC. VIII. *Be it further enacted*, That in all indictments under this Act, it shall only be necessary to state the offence generally and substantially, in the words of this Act.

Indictments under this act.

9. SEC. IX. *Be it further enacted*, That this Act shall take effect and go into operation from and after the 15th day of this present month,* and shall continue in force for twelve months, or until the end of the present war.

Act to take effect 15th December, 1861, and be of force 12 months, or till end of war.

Assented to December 14, 1861.

* 15th December, 1861.

TITLE XVIII.

PENAL CODE.

Sec. I. Another Section added to the 10th Division of the Penal Code—A white woman cohabiting with a negro or free person of color, commits adultery—trial and punishment.

" 2. Another Section added to the 13th Division of Penal Code. Slave or free person of color wilfully damaging, &c. R. R. property shall be punished with death.

Sec. 3. A 12th Section added to the 5th Division of the Penal Code. Slave or free person of color wilfully burning R. R. bridge, to be punished with death.

" 4. Act of 22d February, 1850, amended—Solicitors General receiving fees or cost in certain cases declared a misdemeanor—punishment.

" 5. Trading with the enemy during the war, a felony—punishment.

(No. 63.)

An Act to add an additional Section to the Tenth and Thirteenth Divisions of the Penal Code of this State.

1. SECTION I. *Be it enacted*, That from and after the passage of this Act, the following Section shall be added to the tenth division of the Penal Code now of force, and shall be part thereof:

Adultery for a white woman to cohabit with slave or free person of color.

ishment;

Punishment of slave or free person of color.

Any white woman within the limits of this State, who shall live or cohabit with any negro slave or free person of color, shall be guilty of adultery or fornication, as the case may be, and be indicted for the same; and on conviction, shall be fined or imprisoned in the common jail of the county, or both, at the discretion of the Court; and said slave or free person of color so found living or cohabiting with any white woman in this State, shall be imprisoned for one week, in the county jail, and receive, during said week, *thirty-nine* lashes on his bare back, on three several days during said week; and the owner of said slave shall pay the expenses of said imprisonment and correction of said slave; and if a free person of color, his Guardian shall pay all of said expenses and costs.

2. SEC. II. *Be it further enacted*, That from and after the passage of this Act, the following shall be added as an additional Section of the thirteenth division of the Penal Code, to-wit:

Slave or free person of color or injuring &c., R R property, punished with death.

That if any slave, or free person of color, shall wilfully destroy, or in any manner hurt, damage, injure, or obstruct, or shall aid and assist in any way whatever, to hurt, damage, injure, or obstruct, any Railroad bridge in this State, or any branch thereof, or any bridge connected therewith, or any vehicle, edifice, car, carriage, or engine, of any of said Railroads; or shall, without the consent of the Company, move, or interfere or meddle with any gate, switch, sidling, or other appurtenance to any such Railroad, such slave or free person of color so offending, shall and may be indicted; and on conviction, shall be punished by death.

Assented to December 16, 1861.

(No. 64.)

An Act to add an additional Section to the Penal Code of Georgia.

3. SECTION I. *The General Assembly of Georgia do enact as follows:* That the following shall be, and is hereby added as a twelfth Section of the fifth Division of the Penal Code of this State:

The wilful or malicious burning, or attempting to burn any Rail-road Bridge within this State, (otherwise than under the order of the Governor, or some military officer of this State or of the Confederate States, during the continuance of the existing war,) shall be deemed and adjudged Arson; and shall be punished with death.

Arson for
slave or free
person of
color to burn
R. R. bridge.

Punishment
death.

Assented to December 16, 1861.

(No. 65.)

*An Act to amend An Act entitled An Act to authorize the settlement of criminal prosecutions in certain cases, and to regulate more particularly the duties of the Attorney and Solicitors General, and fix their liabilities, approved February 22d, 1850.**

WHEREAS, By the fourth Section of the above recited Act, the Attorney and Solicitors General are prohibited from demanding or receiving any fee, or cost, on any criminal case which has not been tried by a Petit Jury, except such as are provided for in the first Section of said Act, whereby the Attorney and Solicitors General are deprived of the cost in all cases settled under the third Section of said Act, as well as in all cases finally disposed of without going before a Petit Jury, by the defendants placing a demand for trial upon the minutes, or otherwise, for remedy whereof,

Preamble.

4. SECTION I. *Be it enacted,* That the fourth Section of the above recited Act, be so amended as to read as follows: Any Attorney or Solicitor General, who shall demand or receive any fee, or costs, on any criminal case which has not been tried by a Petit Jury, or otherwise finally disposed of, shall be guilty of a misdemeanor; and on conviction shall be punished by a fine or imprisonment, at the discretion of the Court.

A misdemeanor for a Solicitor General to receive a fee or costs in certain cases.

Assented to December 16, 1861.

* For this Act, see T. R. R. Cobb's New Digest, p. 456.

(No. 66.)

An Act to prevent Trading with the Enemy in time of War, within this State, or a Port of any other State.

5. SECTION I. *Be it enacted,* That from and after the passage of this Act, it shall be unlawful for any person to send or carry, to sell, or offer for sale, in any port, city, town, or other place, within this State, whilst the same is in possession, or under the control of the enemy of the Confederate States, or the State of Georgia, any

Trading with the enemy during the war, a felony.

Punishment.

cotton, grain, provisions, or other article of trade, and merchandize of any kind, or shall send, or cause to be sent out of this State, with the intention of carrying, or sending to sell, or offer for sale, any such articles at any such ports or place. And any person who shall, directly or indirectly, violate the provisions of this Act, shall be deemed guilty of a felony; and on conviction thereof, shall be punished by imprisonment in the Penitentiary, for a term of not less than two years, nor longer than ten years.

Assented to December 16, 1861.

TITLE XIX.

SALARIES.

Sec. 1. Of Governor. Judges of Supreme Court. Reporter of Supreme Court decisions. Secretary of State and Surveyor Gen. Comptroller General. State Treasurer. Governor's Secretaries. Sec. 2. Salaries may be drawn quarterly.

(No. 67.)

An Act to fix the Salaries and Compensation of certain Officers mentioned therein, and for other purposes.

SECTION I. *The General Assembly do enact as follows:* That from and after the passage of this Act, the salaries and compensation of the officers hereinafter named shall be as follows, to-wit: The Governor of this State shall have and receive for his services as such, the sum of three thousand dollars per annum, and no more. The Judges of the Supreme Court of this State, shall each have and receive for their services as such, the sum of two thousand dollars per annum, and no more. The Reporter of the Supreme Court of this State, shall receive the sum of eight hundred dollars, per annum, for his salary, instead of one thousand dollars as now allowed by law. The Judges of the Superior Courts of this State, shall each have and receive the sum of fifteen hundred dollars, per annum, for their services. The Secretary of State shall receive the sum of sixteen hundred dollars, per annum, for his services, as such, and for the discharge of the duties of Surveyor General, and no more. The Comptroller General shall receive for his services the sum of two thousand dollars, per annum, and no more. The State Treasurer shall receive as full compensation for his services, as such, the sum of sixteen hundred dollars, per an-

Salary of Governor \$3,000 00.

Of Judges of Supreme Court \$2,000 00.

Of Reporter of Supreme Court Decisions \$800 00.

Of Judges of Superior Courts \$1,500 00.

Of Secretary of State and Surveyor General combined, \$1,600 00.

Of Comptroller, \$2,000 00.

Of State Treasurer \$1,600 00

Slaves and Free persons of Color may return from the Army into Georgia.

num. The Secretaries of the Governor shall each receive the sum of twelve hundred dollars per annum, and no more.*

Governor's Secretaries each \$1,200 00. These salaries may be drawn quarterly.

SEC. II. That the compensation of the different officers herein before provided for, shall be payable quarter yearly, by Executive warrant, as now provided by law.

SEC. III. Repeals conflicting laws.

Passed in the House of Representatives by a Constitutional Majority over the Executive veto, of two-thirds, by a vote of yeas 109, nays 37, 28th day of November, 1861.

WARREN AKIN,

Speaker of the House of Representatives.

L. CARRINGTON,

Clerk House of Representatives.

Passed in the Senate over the Executive veto, by a Constitutional Majority of two-thirds, by a vote, of yeas 31, nays 10, November 28th, 1861.

JOHN BILLUPS,

President of the Senate.

JAMES M. MOBLEY,

Secretary of the Senate.

* Prior to the passage of this Act, the salary of the Governor was \$1,000; of a Judge of the Supreme Court \$3,500; of a Judge of the Superior Courts \$2,500; of the Reporter of the decisions of the Supreme Court \$1,000; of the Secretary of State \$1,600; of the State Treasurer \$1,600; of the Comptroller General \$1,600; of the Surveyor General (whose office is now consolidated with the office of Secretary of State,) \$1,600. Heretofore the Secretaries of the Executive Department had no fixed salaries, but their pay was appropriated annually, which, for several years past, had been \$1,250 per annum.

Under the operations of this Act, two of the three Judges of the Supreme Court will continue to receive till the expiration of their present terms of office, each \$3,500 per annum, while the other one, elected at the present session since the passage of the above Act, will receive as his salary only \$2,000 per annum. In the same way, twelve of the Judges of the Superior Courts who were in office when the Act was passed, will each receive \$2,500 per annum, till the end of their respective terms, while the four who were appointed since the passage of the act, will each receive only \$1,500 per annum.

TITLE XX.

SLAVES AND FREE PERSONS OF COLOR.

Sec. 1. Slaves and free persons of color may return from the Army to Georgia.

(No. 6S.)

An Act to allow all Slaves and Free Persons of Color, who may leave this State in the service of any person in, or connected with the Military Service, to return to the State of Georgia.

SECTION I. *The General Assembly of the State of Georgia do enact,* That all slaves and free persons of color, who may leave this State in the service of any person, in or connected with the military service, may return to the State of Georgia, and shall not be held liable to

Slaves and free persons of color may return from the army into Georgia.

the pains or penalties of any law now existing prohibiting their leaving or returning to Georgia.*

SEC. II. All conflicting laws are hereby repealed.

Assented to December 11, 1861.

* The first Sec. of the Act of Dec. 17, 1859, provided that from and after the passage of that Act "it shall not be lawful for any free person or persons of color, commonly known as free negroes, now residing, or who shall reside after the passage of this act in any State of this Confederacy, or foreign country, to come, or be brought into this State; and any and all free person or persons of color who shall come or be brought into this State, after the passage of this act, in violation thereof, shall, on conviction of said violation, be sold as a slave or slaves, by the Sheriff of the county in which said conviction shall be made." Acts of 1859, p. 68.

TITLE XXI.

STATE OFFICERS.

Sec. 1. Offices of Secretary of State and Surveyor Gen. consolidated.
" 2. Duties and powers of Sec'y of State as to office of Surveyor Gen.

Sec. 3. Secretary of State must reside at the Capitol.

(No. 69.)

An Act to Consolidate the Offices of Secretary of State and Surveyor General; and to require all the duties of said offices to be performed by the Secretary of State, and for other purposes.

Offices of
Secretary of
State and
Surveyor
General con-
solidated.

SECTION I. *Be it enacted by the General Assembly, That from and after the passage of this act, the offices of Secretary of State and Surveyor General of this State, shall be, and are hereby declared to be consolidated; and in addition to the duties heretofore devolved by law on the office of Secretary of State, incumbent thereof, shall perform all and singular the duties of the office of Surveyor General, retaining his official designation as Secretary of State.*

Duties and
powers of
Secretary of
State as to
office of Sur-
veyor Gen-
eral.

SEC. II. *Be it further enacted, That the Secretary of State shall be the legal and proper custodian of all Records, Mamps, and other Papers of file connected with the office of Surveyor General, and responsible for the safe keeping of the same. His testimony touching the same, taken in pursuance of Law, shall be entitled to full faith and credit in all the Courts of law and equity in this State, as legal custodian aforesaid; and his official signature to any plat or duplicate, certificate, or other paper heretofore issuing from the office of Surveyor General, and necessary to be signed by said Surveyor, shall entitle said paper to the same credit and validity as if said offices had not been consolidated.*

Secretary of
State must re-
side at Cap-
itol.

SEC. III. *Be it further enacted, That the Secretary of State shall, for the term of his service, be a resident at the Capitol of the State.*

SEC. IV. Repeals conflicting laws.

Assented to November 22, 1861.

TITLE XXII.

STATE LUNATIC ASYLUM.

- | | |
|---|---|
| Sec. 1. Salary for Supt. for 1862 \$2,400. | Sec. 4. How the money to be drawn. |
| " 2. \$12,000, appropriated for salaries of Trustees, Treasurer, &c., for 1862. | " 5. Tax for 1862 to be assessed with reference to said appropriations. |
| " 3. \$20,000 for support of pauper patients for 1862. | " 6. Appropriation of \$6,762 54 to pay arrearages of 1861. |

(No. 70.)

An Act to appropriate money for the support of the State Lunatic Asylum for the year 1862, and for other purposes.

1. SECTION I. *Be it enacted by the General Assembly*, That the sum of twenty-four hundred dollars be, and the same is hereby appropriated to pay the salary of the Superintendent and resident Physician of the State Lunatic Asylum for the year 1862. Salary of Superintendent \$2,400.

2. SEC. II. *Be it further enacted*, That the sum of twelve thousand dollars be, and the same is hereby appropriated, to pay the salaries of Trustees, Treasurer, sub-officers, attendants, and hire of servants, for the said Asylum for the year 1862; *provided* such an amount is found necessary for said purposes. Salaries of Trustees, Treasurer, &c.

3. SEC. III. *Be it further enacted*, That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the support of pauper Patients, in said Asylum for the year 1862. Support of pauper patients.

4. SEC. IV. *Be it further enacted*, That the money herein appropriated shall be drawn by Executive Warrant on the Treasury, in the same manner as heretofore practiced; *provided however*, That the amounts appropriated in sections third and fourth of this Act, shall be drawn and used, subject to the conditions, restrictions and regulations, prescribed in the fourth section of "An Act to provide for raising a revenue for the political year 1861, and to appropriate money for the support of Government during said year, and to make certain special appropriations, and for other purposes," assented to December 19th, 1860,* so far as said fourth section contains provisions applicable to similar items of appropriations as are contained in the second and third sections of this act. How money appropriated to be drawn.

5. SEC. V. *And be it further enacted*, That the Governor and Comptroller General [shall?], in applying the rate per centum of taxation to support the Government for the political year 1862, so increase the rate per centum thereof, as will be necessary to pay the foregoing items of appropriation and other appropriations which may be made by this General Assembly for said Asylum. Taxes for 1862 to be assessed with reference to said appropriations.

SEC. VI. Repeals conflicting laws.

Assented to Dec. 14, 1861.

*See Acts of 1860, p. 13 & 14.

(No. 71.)

An Act to appropriate money to pay certain debts contracted on the credit of the State, for the State Lunatic Asylum during the year 1861:

Preamble. WHEREAS, The political troubles of the country have raised the prices of all articles of prime necessity, to an unusual degree; and whereas, the last annual appropriation for the State Lunatic Asylum, was based on usual prices, thereby compelling the authorities of said institution to purchase many articles on the credit of the State, which remain unpaid for to an amount hereinafter specified:

6. SECTION I. *The General Assembly do enact*, That the sum of six thousand seven hundred and sixty-two dollars and fifty-four cents be, and the same is hereby appropriated, to pay arrearages due by the State Lunatic Asylum for the year 1861; to be drawn by an Executive warrant on the Treasury, and disbursed by the proper authorities of said Institution, as their regulations may prescribe.

SEC. II. Repeals conflicting laws.

Assented to Dec. 17, 1861.

TITLE XXIII

STATE PRINTER.

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| <p>Sec. 1. Tenth Section of Act of 16th Feb'y 1854 amended.</p> <p>" 2. Distribution of Acts and Journals. Act not to apply to Acts and Journals of present session.</p> | <p>Sec. 3. Advance of \$3,000 made to State Printer.</p> |
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(No. 72.)

*An Act to alter and amend the tenth Section of an act entitled, "An Act to amend the several acts of the General Assembly in regard to the election of public printer, and more particularly to prescribe the duties, liabilities and compensation of said officer, and for other purposes," approved February 16th, 1854.**

1. SECTION I. *Be it enacted by the General Assembly of Georgia*, That from and after the passage of this act, the tenth section of the before recited act, be so altered and amended as to read, There shall be printed, until otherwise altered by law, two thousand copies of each of the Journals of the Senate and of the House of

Tenth Section of Act of 16 Feb. 1854, amended.
2000 copies of the Journals of each House and

*See Acts of 1853 '54, p. 77 78. By this Act 4,000 copies of the Journals of each House, and 5,000 copies of the Laws, were to be printed.

Appropriation for State Printer.

Representatives, and four thousand copies of the laws; [of] the latter to be bound by the printer according to the provisions of the act of 1852.‡

4000 copies of the Laws to be printed. Laws to be bound as heretofore.

2. SEC. II. *Be it further enacted*, That ten copies of the Journals of the Senate, and ten copies of the Journals of the House of Representatives, be sent to the Clerk of the Inferior Court of each county, to be kept by the said Clerks, in their offices, for the use of any of the citizens of their respective counties; and further, that one copy of each be sent to each member of the General Assembly; and also that one copy of the acts be sent to each Justice of the Inferior Court, to each Ordinary, to each Clerk of the Inferior Court, and to each Clerk of the Superior Court, and to each Sheriff in the State; and further, [that?] one copy of the acts be sent to each member of the General Assembly: *Provided*, That the provisions of this act shall be prospective, and shall not interfere with the Laws and Journals of the present session of the Legislature.§

Distribution of Laws and Journals.

Proviso, that the act shall be prospective, and not relate to Laws and Journals of present session.

SEC. III. Repeals conflicting laws.

Assented to December 17, 1861.

†It is presumed this 'of' was not intended to be here, but it is in both the enrolled Act and engrossed bill. COMPILER.

‡Acts of 1851 '52. p. 253.

§NOTE.—*Query*: Does not this *proviso* prohibit the sending to each member of the present General Assembly a copy of the Laws and Journals of the present session, and to all the county officers mentioned in the II Sec. of the Act? That it does according to its wording, there can be no doubt, but the intention undoubtedly was, that it should apply only to the number of copies to be printed. COMPILER.

(No. 73.)

An Act to authorize and require the Treasurer of the State to make an advance to the State Printer.

3. SECTION I. *Be it enacted by the General Assembly*, That the sum of Three Thousand Dollars be, and is hereby appropriated, as an advance to Boughton, Nisbet & Barnes, on the State Printing, for the year 1861; and that the Treasurer be, and is hereby authorized to pay the same to said State Printers, on the warrant of the Governor of this State.

\$5,000 to be advanced to State Printers

Assented to Dec. 9th, 1861.

Justices of Inferior Courts may levy a tax for soldiers, &c.

TITLE XXIV.

TAX.

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| <p>Sec. I. Levy and collection of County taxes on account of soldiers.</p> <p>" 2. Collection of such taxes—certain counties exempt.</p> <p>" 3. Contracts, &c., heretofore made by Justices of the Inferior Courts legalized.</p> <p>" 4. Liabilities of Tax Collectors collecting such taxes.</p> <p>" 5. Application of certain funds heretofore raised.</p> <p>" 6. Certain portion of such taxes may be paid in produce.</p> <p>" 7. Produce how delivered.</p> <p>" 8. A Digest of all such taxes to be kept.</p> <p>" 9. Basis of levying such tax.</p> <p>" 10. County Treasurers to charge no commissions on such taxes.</p> <p>" 11. Defaulters.</p> <p>" 12. Time of commissioning Tax Collectors. Payment of Tax money into State Treasury.</p> <p>" 13. Confederate war tax assumed by State.</p> <p>" 14. State Bonds to be issued.</p> | <p>Sec. 15. Act of 21st December, 1857, re-enacted</p> <p>" 16. No costs to be collected on tax <i>fi fas</i>, unless made out of defendants.</p> <p>" 17. \$1,000,000 to be assessed for tax of 1862.</p> <p>" 18. Fees on tax <i>fi fas</i>.</p> <p>" 19. Insolvent lists.</p> <p>" 20. Costs on tax <i>fi fas</i>.</p> <p>" 21. Allowance of insolvent lists by Comptroller General.</p> <p>" 22. Tax on Railroads.</p> <p>" 23. Tax Collectors' commissions, how allowed.</p> <p>" 24. Preamble.</p> <p>" 25. Code modified—Act of 5th December, 1799, re-enacted.</p> <p>" 26. Receipt of Comptroller General.</p> <p>" 27. The words "Confederate States" to be substituted in tax laws for the words "United States."</p> <p>" 28. Time for Tax Collectors to make final settlement, extended to 1st March, 1862.</p> |
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(No. 74.)

An Act to authorize the Justices of the Inferior Courts of the several counties of this State, from time to time, in their discretion, to levy such extra taxes as they may deem necessary to equip Volunteer or other soldiers from their respective counties, and to provide for the indigent families of soldiers; to authorize the collection of the same, and to legalize their previous action in the premises, and for other purposes.

Levy and collection of county taxes on account of soldiers.

1. SECTION I. *The General Assembly of the State of Georgia do enact, That the Justices of the Inferior Courts of the several counties of this State, are authorized, from time to time, to levy such extra taxes as they may think necessary to equip such Volunteer or other soldiers as have gone, or may go, from their respective counties, and to provide the necessary support and maintenance for such indigent families of soldiers as may be resident in their respective counties, and such indigent soldiers as may return home wounded or disabled.*

Collection of such taxes.

Certain counties exempted from the 1st and 2d sections of this act.

2. SEC. II. *The said Justices may have all such taxes collected either by the regular Tax Collectors of their respective counties, or by such other person or persons as they may think best; and may take such bond, and fix such compensation as they may think proper for the collection of the same. And be it further enacted, That the counties of Monroe, Burke, Pickens, Wayne, Cherokee, Taylor, Fayette, Clinch, Dawson, Lumpkin, Echols, Upson, Spalding, Campbell, Forsyth, DeKalb, Macon, Wilkes, Warren, White, Ware, Rabun, Chattooga, Decatur, Charlton, Berrien, Coffee, Paulding,*

Justices of Inferior Courts may levy a tax for soldiers.

Bryan, Appling, Crawford, Fannin, Telfair, Emanuel, Clarke, Banks, Schley, Worth, Muscogee, Wilcox, Butts, McIntosh, Brooks, Newton, Gilmer, Irwin, Montgomery, Laurens, Murray, Dooly, Clayton, Pierce, Wilkinson, and Gwinnett, be excepted from the operations of the first and second Sections of this Act; and that, in said counties, during the present war, the Justices of the Inferior Courts of said counties, shall have the authority to assess, annually, on the amount of the State tax of said counties, such tax as may be recommended by a majority of the Grand Jurors of said counties at the Spring Terms of the Superior Courts, for the purpose of raising funds to equip soldiers for the service of the State and Confederate States, and to support such of their families as are indigent, during their term of service, to be collected as other county taxes in said counties; and all taxes levied in said counties the present year for the same purposes, are hereby legalized and made valid; and in the event there be no Court at the Spring Term in any of the counties thus excepted, then, the Justices of the Inferior Courts in said counties, shall proceed to assess such taxes as may be absolutely necessary for the purposes aforesaid; and that the counties of Coweta, Tattnall, and Whitfield, be excepted from all the provisions of this Act.

In certain cos. tax to be assessed on recommendation of Grand Jury.

Taxes levied in such cos. for present year legalized.

If no Court held at Spring Term, Justices to assess the tax.

Certain cos. wholly exempted from operations of act.

3. SEC. III. All taxes heretofore levied, or any contracts entered into, or money procured whether by bond or otherwise, or by sale of railroad or other stocks, by the Inferior Courts or the Justices thereof, or by other persons with the sanction of the Inferior Court, and all orders passed, or which may be passed by any of said Courts equalizing said tax among the tax payers for the purpose aforesaid, are hereby ratified and made legal, and the same authorized to be collected under this Act.

Certain acts of Infer. Cts. as to such taxes, &c., heretofore, legalized.

4. SEC. IV. All Tax Collectors, or other person or persons who shall be, or who have been appointed by the Justices of the Inferior Courts of any county in this State, to collect any tax which has been, or which may be levied under this Act, shall be liable to all the remedies and liabilities to which Tax Collectors are now liable by law, for any violation or failure of duty under this Act, or for failing to pay over, on demand, any money or other thing which may be collected by him or them under the same.

Liabilities of Tax Collectors.

5. SEC. V. The Inferior Courts of the several counties are authorized to use and apply any county funds, except Academy and Poor and Common School funds, in their respective counties, to the purposes aforesaid; but all applications of any funds heretofore made in any county, are hereby made legal and valid.

Application of certain funds heretofore made, legalized.

6. SEC. VI. In any county where the Inferior Court may so order, the amount of tax levied for the support and clothing of soldiers' families, may be paid in such articles and in such proportions as may be necessary for the support of the families; the value of which articles shall be fixed by such Assessors as may be appointed by said Inferior Court, and in such manner as said Inferior Courts may think best.

Certain part of such taxes may be paid in produce.

7. SEC. VII. That, in all cases where the taxes are paid under

Time for payment of Taxes for 1861, extended.

Produce, how delivered this Act, in produce, the same shall be delivered by the said tax payer at such place or places as the said Inferior Courts may direct.

Digest of all such taxes to be kept. S. SEC. VIII. The Inferior Court shall have kept a digest of the taxes already raised and disbursed, or hereafter to be raised, and the use and disbursement of all funds raised, or hereafter to be raised by taxation; which digest shall be kept by the Clerk of the Inferior Court, for the inspection of the citizens of the county; and said Courts may make all such arrangements as they think best, to carry out this Section.

Basis of levy, ing said tax. 9. SEC. IX. The assessment for State taxes made next previous to each particular levy of tax by the Inferior Court, shall be adopted as the basis of the kind and value of property in such levy as they may at any time order in pursuance of the provisions of this Act.

County Tr. to charge no commissions of such tax money. 10. SEC. X. Whenever any funds authorized to be raised by any of the provisions of this Act, shall go through the hands of the Treasurer of any county of this State, it shall not be lawful for such Treasurer to charge or receive any commissions or compensation for receiving or paying out such funds.

How to enforce collection in cases of defaulters. 11. SEC. XI. That the Tax Collectors, or other persons appointed to collect the tax in accordance with the provisions of this Act, be authorized to proceed in cases of default, in the same manner as is now provided by the laws of this State for the collection of the general tax.

SEC. XII. Repeals all conflicting laws.

Assented to November 29, 1861.

NOTE.—The above Act, strictly speaking, is a Local Act; but being one of great importance to all the counties in the State except three, (which are wholly exempt from its operations,) it is thought best to class it with the Public Laws.—COMPILER.

(No. 75.)

An Act to extend the time for the payment of Taxes for the year 1861.

Tax Collectors elected in Jan. 1862, not to be commission'd till 1st March. T. Collectors allowed till 1st March to make final payments into Treasury; but must pay in the taxes monthly. 12. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That His Excellency the Governor, be, and he is hereby authorized and required, to suspend issuing commissions to Tax Collectors in this State, who may be elected on the first Wednesday in January ensuing, until the first day of March next; and that the Tax Collectors for the present year, be allowed until said first day of March, to make their final payment to the Treasurer of this State. *Provided nevertheless*, that said Collectors shall be required to pay into the Treasury on the first day of each month, until their final settlement, the amount of State tax collected by them respectively.*

Assented to December 11, 1861.

* By Act of 23rd December, 1840, (Cobb's New Digest, p. 1073,) Tax Collectors were required to pay the State Taxes into the State Treasury, by the 1st December in each year thereafter; and by Section II, of Act of 3rd March, 1856, the time was extended to 20th December. Acts of 1855-6, p. 276.

(No. 76.)

An Act to provide for the assumption and payment of the Taxes assessed against the citizens of this State, by virtue of An Act of the Congress of the Confederate States of America, entitled An Act to authorize the issue of Treasury Notes, and to provide a War Tax for their redemption; approved the 19th of August, 1861.

WHEREAS, The twenty-fourth Section of the before recited Act of Congress, provides that if any State shall, on or before the first day of April next, pay into the Treasury, notes of the Confederate States, or in specie, the taxes assessed against the citizens of such State, less ten per centum thereon, it shall be the duty of the Secretary of the Treasury to notify the same to the several Tax Collectors in such State, and thereupon, their authority and duty under said Act shall cease; and whereas, economy and a proper regard for the interest of the tax payers of Georgia, make it the duty of the State to assume and pay said taxes.

13. SECTION I. *The General Assembly of Georgia do, therefore, enact as follows:* That the State of Georgia hereby assumes, and will pay the taxes assessed against her citizens, under the provisions of the Act of Congress of the Confederate States before recited.

14. SEC. II. That so soon as the amount of said taxes shall be ascertained, it shall be, and it is hereby made the duty of his Excellency the Governor, to cause to be issued the bonds of this State, payable in such sums, and at such time and place, and bearing such rate of interest, not exceeding eight per cent. per annum, as will enable him to raise and obtain the means of paying such taxes, (less ten per centum thereon,) upon the most advantageous terms to the State: and that when said means of paying said taxes shall be raised, His Excellency shall cause the said taxes (less ten per centum thereon) to be paid to the Confederate States, under the provisions of the said twenty-fourth section of the Act of Congress aforesaid.

SEC. III. Repeals conflicting laws.

Assented to December 11, 1861.

(No. 77.)

An Act to amend the Tax Laws of this State.

WHEREAS, An Act entitled "An Act to repeal An Act approved February 26th, 1856, entitled An Act in relation to allowing Tax Collectors an insolvent list by the Grand Jurors of the several counties of this State, and to amend the various laws for the collection of taxes," assented to December 21st, 1857,* has been omitted altogether by the Code of this State to go into effect from and after the 1st day of January, 1862. For remedy whereof,

15. SECTION I. *Be it enacted by the General Assembly, That the*

* See Acts of 1857, p. 132.

Act of 21 Dec.
1857, re-enact-
ed.

No costs to be
rec'd. on tax
fi fa, unless
collected
thereon.

above and before recited Act be, and the same is hereby re-enacted, to take effect from and after the first day of January next.

16. SEC. II. *Be it further enacted*, That no Collector,† Sheriff or Constable shall receive cost on any Tax fi fa, unless the same is collected from the defendant.

SEC. III. Repeals conflicting laws.

Assented to December 12, 1861.

† See 1st Section of Act No. 79.

(No. 78.)

An Act to levy and collect a Tax for the political year 1862, and for other purposes.

\$1,000,000 to
be assessed as
taxes for 1862.

17. SECTION I. *The General Assembly of Georgia do enact as follows:* That his Excellency, the Governor of this State, with the assistance of the Comptroller General, shall assess on the entire amount of taxable property in this State, such a rate per cent. as will raise an amount of revenue not exceeding one million of dollars, for the support of the government of this State for the political year 1862; any law to the contrary notwithstanding.

Assented to December 14, 1861.

(No. 79.)

An Act to amend the Revenue Laws of this State, and for other purposes herein named.

Preamble.

WHEREAS, In the adoption by the Legislature of 1860, of the Code prepared by a commission authorized by law, several omissions and changes in that law require additional legislation for the proper execution of the revenue laws of this State, for remedy whereof:

Fees on tax
fi. fas.

18. SEC. I. *Be it enacted*, That Tax Collectors in issuing *fi. fas.* to collect State and County tax, shall be allowed a fee of fifty cents on all *fi. fas.* issued for said purpose.

Act of 26 Feb.
1856, as to in-
solvent lists,
re-enacted.

19. SEC. II. *Be it further enacted*, That the Act entitled An Act to repeal An Act approved February 26, 1856, entitled An Act in relation to allowing Tax Collectors an insolvent list by the Grand Jurors of the several counties in this State, and to amend the various laws for the collection of taxes, having been omitted in the Code, the same is hereby re-enacted.*

No costs to be
rec'd. on tax
fi. fas., unless
collected from
defendants.

20. SEC. III. *And be it further enacted*, That no Collectors, Sheriff, or Constable, shall receive costs on a tax *fi. fa.*, unless the same be collected from the defendant.†

Allowance of
insolvent lists
by Comp. Gen.

21. SEC. IV. *Be it further enacted*, That the 792d section of the Code, allowing the Comptroller General to pass upon the solvency or insolvency of tax payers of the several counties in this State, be repealed; and that from and after the passage of this Act, whenever the Comptroller General shall be satisfied that a Tax

* This Section is a mere repetition of the 1st Section of Act No. 77, *Supra*.

† This also is a repetition of the 2d Section of same Act.

Collector has exercised due diligence in his efforts to have his insolvent list allowed by a Grand Jury or Inferior Court, within the time prescribed by law, the said Comptroller General shall be authorized, if in his judgment the public interest will not suffer thereby, to wait with the Collectors fifteen, and not exceeding thirty days, for said insolvent list, before issuing *fi. fa.* for the same.

22. SEC. V. *Be it further enacted*, That so much of the 646th and 647th sections of the Code, as relates to the tax on Railroads, be repealed; and that in lieu of the same, the 8th section of An Act assented to December 11th, 1858,[†] taxing all Railroad companies one-half of one per cent. upon their net annual income, be continued in force; and the returns of said Railroad companies shall hereafter be made to the Comptroller General instead of the Treasurer.

Tax on Railroads.

23. SEC. VI. *Be it further enacted*, That the Inferior Courts of this State, in allowing Collectors their commissions for collecting the taxes levied by their respective counties, be, and they are hereby authorized and required to aggregate the taxes for the various purposes levied, and to allow commissions on the whole amount, in accordance with the schedule from which the Comptroller General is authorized to allow commissions to Collectors for collecting the State tax.

Tax Collectors' commissions, how allowed.

24. SEC. VII. *And Whereas*, By the Comptroller General's Report, it appears that a portion of the new Code prepared by the Commissioners and by previous Act of the Legislature of Georgia, intended to go into effect on the first day of January, 1862, is so framed as to destroy the necessary checks and balances between the offices of the Treasurer and Comp'r. General, for remedy whereof:

A Preamble.

25. SEC. VIII. *It is hereby further enacted*, That so much of the 96th section of the Code as requires the Comptroller General to give certificates of the amount due from the Tax Collectors and other debtors of the State, before the same has been paid into the Treasury, be repealed; and that in lieu of the same, the Act approved December 5th, 1799, entitled "An Act further explaining and defining the duties and powers of the Comptroller General," be substituted therefor, and hereafter continued in force; and that so much of section 89 of the new Code aforesaid, as requires the Treasurer to account for moneys received in the Comptroller General's certificates, be, and the same is hereby repealed; and the Treasurer shall be accountable for money received on his certificates.

Code modified—Act of 5 Dec. 1799, re-enacted.

Treasurer accountable for moneys received on his certificates.

26. SEC. IX. *And be it further enacted*, That no receipt or certificate of payment from the State Treasurer, for any money paid, or to be paid into the Treasury, shall be valid against the State, until the same shall have been turned over to the Comptroller General, and his receipt given in lieu thereof.

Receipt of Compr. Gen.

27. SEC. X. *And be it further enacted*, That whenever in the various Tax laws of this State, the words "United States" occur,

The words "Confederate States" in all our Tax Laws to be

[†] See Acts of 1858, p. 105.

§ For this Act see T. R. R. Cobb's New Digest, p. 1022-3.

Salaries of officers and employees on Western & Atlantic Rail Road.

substituted
for the words
"United
States."

the words "Confederate States" be, and the same are hereby substituted therefor.

Assented to December 14, 1861.

(No. 80.)

*An Act to extend the time for Tax Collectors, in this State to make their settlements with the State Treasurer.**

Fine for "Tax
Collectors to
make final
settlements
extended to
1st March,
1862.

28. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the Tax Collectors in each of the counties of this State be, and they are hereby allowed until the first day of March, 1862, to make their final settlements with the State Treasurer, instead of the 20th of December, 1861; any law, usage or custom to the contrary notwithstanding.

Assented to November 29th, 1861.

* This Act is a repetition of part of Act No. 75, *Supera*.

TITLE XXV.

WESTERN & ATLANTIC RAIL-ROAD.

Sec. I. Reduction of salaries of officers and pay of employees on State Road.

(No. 81.)

An Act to provide for the Reduction of the Salaries of the Officers and Employees of the Western & Atlantic Railroad.

Reduction of
salaries on
State Road.

SECTION I. *The General Assembly of Georgia do enact*, That the Governor be requested to scrutinize the salaries of the officers and employees of the Western & Atlantic Railroad; and whenever it can be done with a due regard to the best interests of the Road, a fair and proper reduction of the salaries shall be made.

Sec. II. Repeals conflicting laws.

Assented to December 14, 1861.

* For Act authorizing the Superintendent of the W. & A. R. R. to issue \$200,000 in change bills, see Title BANKS AND BANKING, Act No. 17.

PART II.

PRIVATE AND LOCAL LAWS.

- TITLE I.—APPROPRIATIONS.**
“ II.—CITIES AND TOWNS.
“ III.—CORPORATIONS.
“ IV.—COUNTIES.
“ V.—COUNTY LINES.
“ VI.—COUNTY REGULATIONS.
“ VII.—EDUCATION.
“ VIII.—EXECUTORS, ADMINISTRATORS, ORDINARIES, &C.
“ IX.—INTERNAL TRANSPORTATION.
“ X.—PATROLS.
“ XI.—PHYSICIANS.
“ XII.—RELIEF.
“ XIII.—RIVERS AND DAMS.
“ XIV.—ROADS.
“ XV.—SLAVES AND FREE PERSONS OF COLOR.
“ XVI.—TAXES.
“ XVII.—TELEGRAPH COMPANIES.

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PART II. PRIVATE AND LOCAL LAWS.

TITLE I.

APPROPRIATIONS.

- Sec. 1. \$6,000 appropriation for support of pupils in Georgia Academy for the Blind for 1862.
- Sec. 2. One dollar per copy appropriated to John H. Seals as extra compensation for publishing Code of Georgia.
- Sec. 3. Governor to draw his warrant on Treasury for same.

(No. 82.)

An Act to appropriate money for the support of the pupils of the Georgia Academy for the Blind.

1. SECTION I. *Be it enacted by the General Assembly of Georgia, That* the sum of six thousand dollars be, and the same is hereby appropriated for the support of the pupils of the Georgia Academy for the Blind, during the current political year; and that the Governor be authorized to draw his warrant upon the Treasury in favor of the Trustees of said Academy, for said sum of money.

\$6,000 appropriated for support of pupils in Academy for Blind for 1862. Governor to draw his warrant on Treasury for same in favor of Trustees.

SEC. II. Repeals conflicting laws.

Assented to December 5, 1861.

(No. 83.)

An Act to appropriate extra compensation to John H. Seals for the publication of the Code of Georgia.

2. SECTION I. *The General Assembly do enact, That* one dollar per copy be, and the same is hereby appropriated to John H. Seals as extra compensation for the publication of the Code of Georgia.

One dollar per copy appropriated to Mr. John H. Seals as extra compensation for Code of Georgia. Governor to draw his warrant on Treasury for same.

3. SEC. II. *The General Assembly do further enact, That* the Governor of Georgia do draw his warrant on the Treasury of this State in favor of John H. Seals for the sum aforesaid to be paid out of any money in the Treasury, not otherwise appropriated.

Assented to December 14th, 1861.

NOTE.—For sundry appropriations to individuals, see Title "Relief;" also Title "Appropriations," in Public Laws, and notes thereto.

Americus.

TITLE II.

CITIES AND TOWNS.

AMERICUS, (No. 84.)

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| Sec. 1. Corporate limits defined. | " 7. Marshal shall give bond, and make weekly reports; Publication by City Council quarterly. |
| " 2. Aldermen; Corporate limits; Powers. | " 8. Tax on free negroes, and on slaves hiring their time, &c.; assessment of Taxes: Tax on Banking and Insurance Agents. |
| " 3. Council to elect Mayor, who shall act without compensation; Term of office one year. | " 9. Duties and powers of Mayor. Appeal to Council. |
| " 4. Council to have no salary; Taxes on property of Mayor and Council-men. | " 10. Time of holding elections; qualifications for Alderman. |
| " 5. Offices of Clerk, Treasurer, Marshal and Sexton, consolidated; Marshal to be elected; his salary, term of office, &c. | " 11. Assistant Marshal. |
| " 6. Duties and liabilities of Marshal. He may be removed. | |

ATHENS, (No. 85.)

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| Sec. 12. Clerk of Market; his election. Term of office one year. | " 13. Duties and fees of Clerk of market. |
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ATLANTA, (No. 86.)

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| Sec. 14. Time of holding election for Mayor and Council; when to be qualified and enter upon the discharge of their duties; Financial year. | Sec. 19. Powers of Mayor and Council to enforce ordinances. Common jail of Fulton county may be used by city. |
| " 15. Vacancy in office of Mayor; vacancy in Council. | " 20. Default tax payers may be double taxed. |
| " 16. Receiver of tax returns and Tax Collector. | " 21. Attendance of parties and witnesses at the Mayor's Court. |
| " 17. Market. | " 22. Fees of officers. |
| " 18. Street duty. Street tax, and how collected. | " 23. Corporate limits changed. |

AUGUSTA, (No. 87.)

- Sec. 24. Salary of Judge of City Court of Augusta may be fixed by City Council—not less than one thousand dollars per annum.

BELLVILLE, (No. 88.)

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| Sec. 25. Bellville incorporated—Corporate limits. | Sec. 32. Ordinances—other powers of Mayor and Aldermen. |
| " 26. Mayor and Aldermen. | " 33. Fines. |
| " 27. Election of Mayor and Aldermen. | " 34. Powers and jurisdiction of Mayor and Aldermen. |
| " 28. Oath of Mayor and Aldermen. | " 35. Fees. |
| " 29. Marshal, Clerk of Council and Treasurer. | " 36. Officers sued may justify under this Act. |
| " 30. Salaries of officers. | |
| " 31. Powers of Mayor and Alderman. On all questions in Council, a majority vote to govern. Mayor and each Alderman to be, <i>ex officio</i> , a magistrate for certain purposes. May issue warrants, and bind over offenders to appear at Court for trial. Keeper of common jail of Richmond county to receive offenders. | |

CUSSETA, (No. 89.)

- Sec. 37. Poll tax.

Americus.

JONESBORO, (No. 90.)

Sec. 38. Corporate limits.

SUMMERVILLE, (No. 91.)

Sec. 39. Village of Summerville in *Richmond* Sec. 43. Oath of Commissioners.*county*, incorporated.

" 41. Marshal.

" 40. Election of Commissioners.

" 45. Taxes, fines, &c. By-laws.

" 41. Intendent.

" 46. Treasurer, &c.

" 42. Manner of electing Commissioners.

SPRING PLACE, (No. 92.)

Sec. 47. Retail License.

ROME, (No. 93.)

Sec. 48. Retail License.

(No. 94.)

An Act to alter and amend an Act entitled an Act to incorporate the City of Americus, and to alter and amend an Act to incorporate the town of Americus in the county of Sumter, and for other purposes.

1. SECTION I. *Be it enacted*, That the corporate limits of the city of Americus in the county of Sumter, shall extend from the Court House within the present corporate limits, one mile in every direction, except westward, in which direction the limits shall be as already enacted, to-wit : the eastern bank of Mucalee Creek.

Corporate limits.

2. SEC. II. *And be it further enacted by the authority aforesaid*, That the municipal government of the city of Americus shall consist of seven Aldermen, who are hereby constituted a body corporate, under the name and style of the Common Council of the city of Americus ; and under such name shall have perpetual succession ; shall have a common Seal, and by such name and seal plead and be impleaded in any Court of law and equity in this State.

Aldermen.

Corporate name.

Powers.

3. SEC. III. *And be it further enacted by the authority aforesaid*, That from and after the termination of the year 1861, and upon the election of a Common Council under this Act, one, a member of said Common Council, shall be selected by the same, by ballot, who shall perform the duties of Mayor for said city of Americus without salary or other compensation ; and at the first meeting of Common Council in the year 1862, and at the first meeting in each succeeding year, the members of the Common Council shall proceed to elect a Mayor, who shall hold his office for the space of one year.

Council to elect Mayor.

Mayor shall act without salary.

Election of Mayor.
Term of office, one year.

4. SEC. IV. *And be it further enacted, by the authority aforesaid*, That the Common Council of the city of Americus shall receive no compensation for their services ; and all property held, owned or possessed within the limits of said city of Americus by the Mayor or Councilmen of said city shall be alike subject to and shall pay the regular rates of taxation, the same as may be paid by the citizens of said county.

Council to have no salary.

Mayor and Councilmen to pay taxes on their property in the city.

Offices of
Clerk, Treas-
urer, Marshal
and Sexton,
consolidated.

City Marshal
to be elected.

Salary of
Marshal.
His term of
office.

Duties and
liabilities of
Marshal.

Marshal may
be removed.

Marshal shall
give bond;

He shall
make weekly
reports.

Publication
by City Coun-
cil quarterly.

* Tax on free
negroes, and
on slaves hir-
ing their time
&c.

Assessment
of taxes on
Banking and
Insurance
agents.

Duties and
powers of
Mayor.

Appeal to
Council.

Time to hold
elections for
Aldermen.

Qualifica-
tions of Al-
dermen.

5. SEC. V. *And be it further enacted, by the authority aforesaid,* That from and after the termination of the municipal year of 1861, the offices of city Clerk, city Treasurer, city Marshal, and city Sexton, shall be consolidated and made one and the same office, and that the duties appertaining to the several offices shall be performed by one and the same officer, who shall be styled city Marshal, and who shall be elected by the citizens of Americus on the same day that the members of the Common Council are elected, and who shall receive as full compensation for his services a sum not to exceed six hundred dollars per annum, and who shall hold his office for the term of one year, unless for cause he shall be removed by the Common Council.

6. SEC. VI. *Be it further enacted by the authority aforesaid,* That it shall be the duty of the city Marshal to patrol said city, to oversee and direct the work on the Streets, in the Semetary, and other public works of the city; to collect under the direction of the Common Council, when assessed by them, the taxes of the city; and to perform all of the duties necessary to be performed pertaining to the offices of Clerk, Treasurer, Marshal and Sexton; and upon the complaint of any citizen, substantiated by proof, he shall be subject to be removed from his office, for malpractice, insufficiency or neglect of duty.

7. SEC. VII. *Be it further enacted by the authority aforesaid,* That the Marshal be required to give bond and security for the faithful performance of his duties, in such sum as may be deemed sufficient by the Common Council; he shall be required to report weekly to the Common Council, his collections, expenditures, acts and doings; and the Common Council shall publish once every three months, a full and complete account of all receipts and disbursements, and all other matters of immediate interest to the city.

8. SEC. VIII. *Be it further enacted by the authority aforesaid,* The tax to be paid by free persons of color, or slaves hiring their own time or living by themselves in said city, shall not be less than Twenty-five Dollars per annum; that the Common Council shall assess all taxes as at present provided for, except Banking and Insurance Agents; and on Bank Agents and Insurance Agents the tax shall [not?] exceed one per cent. upon the gross earnings of the respective Agencies, Banks or Companies.

9. SEC. IX. *Be it further enacted by the authority aforesaid,* That at all meetings of the Common Council, the Mayor shall preside; and in case of a tie, give the casting vote; he shall be empowered to hear and determine upon all infractions of the Ordinances of the city, and to fine or imprison in accordance therewith, an appeal lying in all cases from the decision of the Mayor, to the Common Council.

10. SEC. X. *Be it further enacted by the authority aforesaid,* That the election for Aldermen of the city of Americus, shall be held on the first Saturday of each year; and that no person shall be eligible to the office of Alderman or Marshal, unless he shall be of the age of twenty-one years, a citizen of the Confederate States, and

Athens.—Atlanta.

shall have resided in said city for the space of two years next preceeding said election.

11. SEC. XI. *Be it further enacted by the authority aforesaid, That should it become impossible for the Marshal to discharge properly the several duties allotted to him, the Mayor with the consent of the Common Council, shall appoint a competent assistant to serve for such time as his services may be needed, whose salary shall not be exceeding Four Hundred Dollars per annum, or in that ratio; but he shall only be employed and receive pay for such time as his services are deemed actually necessary.*

Assistant
Marshal.

SEC. XII. Repeals conflicting laws.

Assented to December 17, 1861.

NOTE.—For former Acts relating to Americus, see Acts of '55-6, p. 377; Acts of 1857, p. 163; and Acts of 1858, p. 129.

(No. S5.)

An Act to alter and amend a portion of the 8th Section of An Act to amend the several laws in relation to the town of Athens, and to extend the power of the corporate authorities thereof," passed by the General Assembly of Georgia, and assented to Dec. 22, 1857.

12. SECTION I. The office of Clerk of the Market in the town of Athens, shall be disconnected from the office of Clerk of the Council; and it shall be the duty of the Council at its first regular meeting in January in each year, to elect a Clerk of the Market, who shall hold his office for one year unless sooner removed by the Council for good and sufficient cause.

Office of
Clerk of the
market dis-
connected
from office of
Clerk of
Council.
Council to
elect a Clerk
of the market.
His term of
office one
year.

13. SEC. II. All the duties heretofore required of the Clerk of the Council, under the general ordinances with reference to the Market, shall be performed by the Clerk of the Market; and he shall receive for said services the usual fees prescribed for said services.

Duties and
fees of Clerk
of the mar-
ket.

SEC. III. All laws conflicting are hereby repealed.

Assented to Dec. 17, 1861.

NOTE.—For Acts heretofore passed in reference to the town of Athens, see Acts of 1853-4, p. 211; Acts of 1855-6, p. 400; and Acts of 1859, p. 127.

(No. S6.)

An Act to alter and amend the several Acts incorporating the city of Atlanta, in Fulton county, Georgia.

14. SECTION I. *Be it enacted, That the annual elections of Mayor and Council of said city, after the next regular annual election in January next, shall be held on the first Wednesday in December, 1862, in each and every year thereafter; and that they shall be entitled to be duly qualified and assume the discharge of their respective duties at the first regular meeting in January thereafter; and that the financial year shall terminate on the last day of December.*

Time of hold-
ing elections
for Mayor
and Council.
When quali-
fied and to
enter upon
their duties.
Financial
year.

15. SEC. II. In the event the office of Mayor shall become vacant

Atlanta.

Vacancy in
office of Mayor.

at any time within three months of the expiration of his term of office, the President *pro tem.* of Council shall act as Mayor during the balance of said term, and exercise all the rights and power of Mayor during said time; and in the event of a vacancy in the Council of said city within the like period, the acting Mayor and Council shall have power to fill said vacancy by the election of an Alderman belonging to the Ward in which said vacancy may occur, for said unexpired term.

Receiver of
Tax Returns
and Tax Col-
lector.

16. SEC. III. *Be it further enacted*, That the Mayor and Council of said city shall have power and authority to elect a Receiver of Tax Returns and Tax Collector, at the same time of electing a Clerk and other officers, and prescribe their respective duties and compensation.

Market.

17. SEC. IV. *Be it further enacted*, That said Mayor and Council shall have full power and authority to establish a Market in and for said city; and to pass all ordinances necessary to sustain, protect, regulate and govern the same, not contrary to the laws and constitution of this State.

Street duty of
citizens.

Street tax.

18. SEC. V. *Be it further enacted*, That all persons liable to perform road duty by the laws of this State, shall be liable and subject to work on the streets of said city, under the direction and control of the proper officer of said city; *Provided*, That the Mayor and Council of said city shall have power to levy a street tax in lieu thereof; *And provided further*, That all persons who shall fail or refuse to pay said tax on or before such day as said Mayor and Council by ordinance may require, the person failing shall be required, upon three days notice, to do and perform street work as aforesaid, and upon failure thereof, such defaulter shall be liable to be dealt with by the Mayor and Council as for a violation of other ordinances of said city.

Power of
Mayor and
Council to
enforce ordi-
nances.Common jail
of Fulton Co.
may be used
by city.

19. SEC. VI. *Be it further enacted*, That the Mayor and Council of said city shall have power and authority to enforce the ordinances of said city, by appropriate fines and penalties; and whenever it shall become necessary to imprison any person by sentence under a judgment of said Mayor, or Mayor and Council, it shall be lawful to use the common Jail of Fulton county, Georgia, instead of the Calaboose of said city, upon terms and conditions to be regulated by and between said Mayor and Council and the Inferior Court of said county.

Defaulters
may be
double taxed.

20. SEC. VII. *Be it further enacted*, That said Mayor and Council shall have power and authority to enforce and collect a double tax of any person who shall fail or refuse to give in a list of his or her taxable property to the Receiver of Tax Returns of said city.

Attendance
of parties
and witness-
es at the
Mayor's
Court.

21. SEC. VIII. *Be it further enacted*, That the Mayor and Council of said city shall have power and authority to compel the attendance of parties and witnesses at the Mayor's Court and the meetings of said Council; and for this purpose said Mayor and Council shall have power and authority to take and receive of parties and witnesses such bonds as they shall deem necessary to secure the attendance of parties and witnesses; and to pass all ordinances

necessary to carry this act into effect, and to forfeit and collect said bonds in the same manner as such bonds are now forfeited and collected in the Superior Courts in this State.

22. SEC. IX. *Be it further enacted*, That said Mayor and Council shall have power and authority to establish a fee bill for the officers of said city; not higher than the fees allowed to the county officers, nor lower than those allowed to Justices of the Peace and Constables of this State. Fees of officers.

23. SEC. X. *Be it further enacted*, That the corporate limits of the city of Atlanta be extended on the north side of said city, by beginning at the point on the Western and Atlantic Railroad where the present corporate line now crosses, and thence run up said Road to the north corner next the Railroad, at the lot whereon Felix Sowers resides, and thence east from said corner five hundred feet; thence south-east to the present corporate line. Corporate limits changed.

Sec. XI. Repeals conflicting laws.

Assented to Dec. 6, 1861.

NOTE.—The city of Atlanta was first incorporated by the name of Marthasville, in 1843, pamphlet p. 83; name changed to Atlanta in 1847, pamph. 50; charter amended in 1850, pamph. 96; again in 1852, pamph. p. 386; also in 1854, pamph. pp. 212, 213, 241; also in 1856, pamph. p. 295. See also Acts of 1859, p. 128, and Acts of 1860 p. 90.

(No. 87.)

An Act to authorize the City Council of Augusta to fix the salary of the Judge of the City Court of said city.

24. SECTION I. *Be it enacted*, That from and after the passage of this Act, the City Council of Augusta be authorized and empowered, from time to time, to fix by ordinance, the salary of the Judge of the City Court of said city, at such rate as they may consider just and proper, not less than one thousand dollars per annum. Salary of Judge of the City Court of Augusta.

Sec. II. Repeals conflicting laws.

Assented to Dec. 17, 1861.

NOTE.—This Court was first termed the Mayor's Court of the City of Augusta; the name of the Court was changed by Act of 1826, to that of the Court of Common Pleas for the City of Augusta, and the Judge received certain fees as his compensation. By Act of Dec. 30, 1836, the Judge was allowed a fixed salary of \$1,000 per annum, to be paid quarterly by the City Council; and the Court fees which the Judge formerly received, were to be paid over to the Council. The Act of Feb. 15, 1856, changed the name of the Court to "The City Court of Augusta."

(88.)

An Act to incorporate the town of Bellville in the county of Richmond.

25. SECTION I. *Be it enacted*, That from and after the passage of this Act, the town of Bellville, on Butler's Creek, in the county of Richmond, and State of Georgia, be, and is hereby declared and constituted an incorporated town; and that the corporate limits of the same shall extend one mile in every direction from Bellville Factory building. Bellville incorporated.
Corporate limits.

26. Sec. II. *Be it further enacted*, That the corporate powers of said town shall be vested in a Mayor and four Aldermen, who shall

Mayor and Aldermen.

be elected on the second Wednesday in January next, 1862, ten days notice having been given, and on the same day of January of each year thereafter; and that said Mayor and Aldermen shall hold their offices for one year, or until their successors are qualified; and all citizens residing in said incorporation ten days previous to said election, who shall be entitled to vote for members of the General Assembly, shall be entitled to vote for said Mayor and Aldermen.

Election of Mayor and Aldermen.

27. Sec. III. *And be it further enacted*, That any two citizens in said town, being first sworn to hold said election properly and justly, may preside over said election, neither of whom being a candidate; and the person receiving the highest number of votes shall be declared to be duly elected; and that the managers of said election shall give their certificate to such persons as shall be thus elected; and said certificate shall be evidence of that fact, and their authority to act as Mayor and Aldermen of said town; and the said certificate shall be recorded by the Clerk of the Council in a book kept for that purpose; and this record shall always be the highest evidence of said election and qualification.

Oath of Mayor and Aldermen.

28. Sec. IV. *And be it further enacted*, That the said Mayor and Aldermen, before they enter upon the duties of their respective offices, shall, before a Justice of the Inferior Court or Justice of the Peace, take and subscribe the following oath: "I do solemnly swear that I will, to the best of my ability, faithfully discharge the duties of Mayor, (or Aldermen,) of the town of Bellville, during my continuance in office—so help me God."

Marshal, Clerk of Council and Treasurer.

29. Sec. V. *And be it further enacted*, That the said Mayor and Aldermen shall, at their first annual meeting after their being qualified, proceed to elect by ballot, a Marshal, Clerk of Council, and Treasurer; each of whom, unless removed, shall remain in office until a new election for, and qualification of Mayor and Aldermen; and that said Mayor and Aldermen shall have full power and authority to remove from office, and to elect others in their places, or to punish by fine, not exceeding fifty dollars, any officer elected by them for any neglect, malpractice in or abuse of said office, or for any misdemeanor.

Salaries of officers.

30. Sec. VI. *And be it further enacted*, That the Mayor and Aldermen shall have the power to fix and regulate the salaries of each and every officer they may elect; which salaries shall not be increased or diminished during their continuance in office; and the said officers shall give bond and security to the Mayor and Aldermen and their successors, in a sum to be fixed by them for the faithful performance of his or their duties.

Powers of Mayor and Aldermen.

31. Sec. VII. *And be it further enacted*, That the Mayor and any two Aldermen shall form a quorum for the transaction of all business; and the Mayor shall have the casting vote; and a majority of the votes shall determine all questions and elections before the Council; and the Mayor and each Aldermen shall be, to all intents and purposes, a Justice of the Peace, so far as to enable them, or either of them, to issue warrants for offences committed within the

Bellville.

corporate limits of said town; which warrants shall be executed by the Marshal, or in his absence or sickness, by such Deputy as the Mayor may appoint for the time and occasion; and to commit to the common jail of Richmond county, or to admit to bail according to law, all offenders for their appearance before the next Superior Court thereafter for said county, to await his, her, or their trial; and it shall be the duty of the Jailor of said county of Richmond to receive all such persons so committed, and then safely to keep until the same is discharged by due course of law.

31. Sec. VIII. *And be it further enacted*, That the said Mayor and Aldermen shall have full power and authority to pass all ordinances and laws necessary for the government, good order and well being of said town of Bellville, and to remove pests and nuisances, and to perform all acts necessary and proper to carry out the provisions of this Act, not incompatible with the constitution and laws of Georgia. They shall also have full power to make all contracts in their corporate capacity which they may deem necessary for the welfare of said town; and in their corporate capacity to hold property, and to sue and be sued.

Ordinances.

Other powers of Mayor and Aldermen.

33. Sec. IX. *And be it further enacted*, That the Mayor, and in his absence any two of the Aldermen of said town, shall have full power and authority to try all offenders against any of the by-laws and ordinances of said town; and to punish for each and every violation thereof within the corporate limits of said town, by fine, or fines not to exceed the sum of twenty-five dollars.

Mayor and Aldermen may punish offenders by fine.

Fine not to exceed \$25.

34. Sec. X. *And be it further enacted*, That the Marshal shall have full power and authority to examine all places or houses in said town where he may suspect a violation of the laws of this State or the ordinances of said town may be carried on; and he shall report all offenders in said town against said laws, to the Mayor or any Aldermen of said town, whose duty it shall be, upon such report being made, to issue a warrant or warrants for the apprehension of every such offender, and to commit the same to jail, or admit to bail according to law, to await his, her, or their trial before the Superior Court of Richmond county, when such offence is in violation of the laws of the State; and also, that the said Marshal be fully authorized to arrest any and all disorderly persons who shall violate any of the by-laws and ordinances of said town, and to take the same before the Mayor or any two Aldermen of said town, for trial, according to the provisions of this Act; and also, that upon all trials, or examinations authorized or required by any of the provisions of this Act, the said Mayor, or two Aldermen who may be conducting any such trial or examination, shall have full power to compel the attendance of any witness or witnesses by a fine not to exceed twenty dollars; and also, that said Mayor and Aldermen shall have power to establish and regulate a police or patrol over all slaves and free persons of color in said town; and that said Mayor shall have full power and authority to call to his aid any and all white male citizens of said town, capable of bearing arms, for the arrest and apprehension of any offender against the laws of

Powers and jurisdiction of Mayor and Aldermen.

this State, or of the ordinances of said town; and in case any such citizen shall refuse to render such aid, he shall be liable to such fine not to exceed twenty dollars, as said Mayor and Aldermen may impose.

Fees.

35. SEC. XI. *And be it further enacted*, That the cost for issuing, serving and executing all warrants, process writs, and subpœnas authorized by this Act, for the violation of any of the ordinances or by-laws of said town against the laws of the State, shall be the same as upon warrants, process, subpœnas, &c., by the laws of this State; and shall be paid by the offender or offenders, in case he, or she, or they be guilty of the alleged violation of said ordinances or laws.

Officers sued may justify under this Act.

36. SEC. XII. *And be it further enacted*, That any of the officers of said incorporation who may be sued for any act done in his or their official character, may justify under the Act.

Assented to December 6, 1861.

(No. 89.)

An Act to amend the fourth Section of An Act to incorporate the town of Cusseta, in the county of Chattahoochee, and to render permanent the county site, approved December 22d, 1855.

Poll Tax regulated in Town of Cusseta.

37. SECTION I. *The General Assembly of the State of Georgia do enact*, That so much of the said fourth Section* as prescribe the rate of taxes to be levied by the Intendant and Commissioners, upon property in said town be, and the same is hereby repealed; and that in lieu thereof, said portion of said Section be made to read as follows: *Provided*, said poll shall not exceed two dollars per poll; and said tax shall not exceed one hundred per cent upon the State tax.

Sec. II. Repeals conflicting laws.

Assented to December 17, 1861.

* For this Section see Acts of 1855—6, p. 363.

(No. 90.)

*An Act to alter and amend An Act entitled "An Act to incorporate the town of Jonesboro, in the county of Clayton; to provide for the election of Commissioners, Marshals, and Clerks; and for other purposes therein mentioned," assented to December 13th, 1859.**

Corporate limits of Jonesboro defined.

38. SECTION I. *Be it enacted*. That from and after the passage of this Act, the twelfth Section of the above recited Act, be altered by striking out the words "*two miles North and South*," and inserting the words "*one mile North and South*," instead thereof.

Sec. II. Repeals conflicting laws.

Assented to December 6, 1861.

* See Acts of 1859, p. 175.

(No. 91.)

An Act to incorporate the Village of Summerville, in the county of Richmond; to provide for the election of Commissioners for the same; to prescribe the powers and duties of said Commissioners, and for other purposes.

39. SECTION I. *The General Assembly of the State of Georgia do hereby enact*, That from and immediately after the passage of this Act, all persons who are citizens of the Confederate States, and who are residing within one mile in every direction from the intersection of Milledge street and Walton Way, in the village of Summerville, in the county of Richmond, and State aforesaid, shall be deemed, and they are hereby declared to be a body politic and corporate; which corporation shall be known as the village of Summerville; it being understood that the residences and premises of Porter Fleming, Robert Campbell, Antonio Poullain, S. D. Linton, George W. Lamar and James Gardner, Esquires, are to be included within the limits aforesaid.

Village of Summerville in Richmond county incorporated.

40. Sec. II. *Be it further enacted*, That all free-holders within the limits aforesaid, who are entitled to vote for members of the Legislature, shall on the 2d Saturday in January, 1862, and on the first Saturday in January in each and every year, after the year 1862, meet at the Academy in said village, or at such other place, as may be from time to time designated by the Commissioners of said village, (by notice given in one of the gazettes of the city of Augusta,) and by ballot elect five commissioners for said village; and in the event that such election, from any cause, should not take place at the time specified, then the Justices of the Peace, in the 119th District, G. M., in said county, may appoint some other day for such election and give notice accordingly; such Commissioners shall hold their office for one year, or until their successors are elected and qualified.

Election of Commissioners.

41. Sec. III. The said Commissioners shall have authority to appoint one of their number Intendent of said village; and the said Intendent, in addition to such authority as may be given to him by the Ordinances and By-Laws which shall be passed by said Commissioners, shall be clothed with all the powers of a Justice of the Peace, within the limits of said village; and shall hold his office for one year from the time of his appointment, or until his successor is elected and qualified.

Intendent.

42. Sec. IV. The polls for the election of said Commissioners shall be opened at (10) ten o'clock, of the day on which the same takes place, and close at (4) four; the first election shall be managed and presided over by any Justice of the Peace in said county, and two free-holders in said village; and the subsequent elections shall be managed by any two of the Commissioners and a free-holder of said village; or by a Justice of the Peace and two-freeholders of said village; and the managers of such election shall have authori-

Manner of electing Commissioners.

Summerville.—Spring Place.

ty to issue to the persons who are elected, certificates of their election, which shall be sufficient evidence thereof.

43. Sec. V. The said Commissioners so elected, shall, at the time they receive their certificate of election, take and subscribe the following oath: "I do solemnly swear that, to the best of my ability, I will conduct myself uprightly as a Commissioner of the village of Summerville; and that I will do equal justice to all persons who may be concerned in my administration of the law and of the by-laws of said village, within the same."

44. Sec. VI. The said Commissioners shall have power and authority to elect and commission a Marshal and Deputy Marshal, for said village; and also to appoint and organize a patrol within the same, with such powers, and subject to such duties as may be prescribed by the Ordinances or By-laws of said village.

45. Sec. VII. The said Commissioners shall have full power and authority to make assessments of taxable property within the said village; to lay and collect such taxes as they may deem necessary for the purposes of carrying their powers into effect; to impose and collect fines for all offences committed against the By-laws or Ordinances of said village; and generally to make and enact all such By-laws or Ordinances not repugnant to the Constitution and laws of the land, as they, or a majority of them, may deem expedient for the security, welfare and convenience of said village, or for preserving peace, order and good government within the same; *Provided*, that nothing in this Section contained, shall be so construed as to authorize any interference with the working, management and care of the public roads in said village by the Inferior Courts of said county, or its agents.

46. Sec. VIII. The said Commissioners shall have authority to appoint a Clerk, Treasurer, and such other subordinate officers as they may need; and to collect all taxes or fines due and payable to them, by Execution or other process issued in such form as shall be by their By-laws prescribed.

Assented to December 16, 1861.

(No. 92.)

An Act to authorize the Commissioners of the Town of Spring Place, in Murray county, to issue license for the retail of Spirituous Liquors, and to fix the amount of the license for the same, and to punish for selling without license.

47. SECTION I. *The General Assembly do enact*, That the Commissioners of the town of Spring Place, in Murray county, are authorized to issue license to retail spirituous liquors therein; and to charge and collect for the same, such sum as they may think best, not exceeding \$250, per year, for each license; *And be it further enacted*, That all persons who shall retail spirituous liquors within said town, without such license, shall be punished as now provided by law for retailing without license.

Sec. II. All conflicting laws are hereby repealed.

Assented to December 13, 1861.

(No. 93.)

An Act to amend the several laws heretofore passed incorporating the city of Rome, in the county of Floyd; and to enlarge the powers of the City Council of the City of Rome, in relation to the granting of license to retail and sell liquors.

4S. SECTION I. *The General Assembly of the State of Georgia enacts*, That from and after the passage of this Act, the City Council of the city of Rome, in the county of Floyd, shall have full power and authority to impose a tax of not exceeding three hundred dollars annually, upon all persons who shall sell spirituous liquors within the corporate limits of said city, in less quantities than by the gallon or barrel; the said tax so assessed, to be applied to the use of the said city.

License to retail spirituous liquors in the city of Rome.

Sec. II. Repeals conflicting laws.

Assented to December 17, 1861.

Supreme Court Decisions.—A clause in the charter of the City of Albany, conferring the power, in general terms, to pass all By-laws, &c., not inconsistent with the Constitution and laws of the State, does not confer the power to pass an Ordinance making it a penal offence to sell spirits in quantities of a quart or more, to be drank on the premises where sold, this being inconsistent with the State law on the subject. 29. Ga. Reports. 56.

A took out a license from the State to retail spirits in Gordon county, in November, 1858. In December thereafter, the Legislature passed An Act authorizing and empowering the Common Council of Calhoun, in said county, to levy and collect a tax not less than one hundred dollars, upon any retail establishment, &c., in that place: *Held*, that the Statute was not intended to apply to one who had already paid the State for the privilege of retailing. 29. Ga. Repts. 333.

TITLE III.

CORPORATIONS.

CAVENDER'S CREEK AND FIELD MINING CO., (No. 94.)

- | | |
|---|--|
| Sec. 1. Cavender's Creek and Field Mining Co. incorporated. Powers and privileges. By-laws. | Sec. 4. Flume or aqueduct. Dam on Chestatee river. Damages. Execution. Appeal. |
| " 2. Company may own and sell real estate. | " 5. Deposit of money for damages assessed, on appeal. |
| " 3. Capital stock \$50,000. Shares. Personal liability of Stockholders for debts of Co. | " 6. Penalty for damaging, &c., Company's works. |

TURNER MOUNTAIN COPPER MINING CO., (No. 95.)

- | | |
|--|--|
| Sec. 7. Company incorporated. Corporate powers, &c. Seal. By-laws. | Sec. 9. Capital stock \$500,000. Shares. Personal liability of Stockholders for debts of Co. |
| " 8. Company may own and sell real estate. | " 10. Location of office of Co. |

DALTON CITY COMPANY, (No. 96.)

- Sec. 11. List of Stockholders to be filed in Clerk's office.

(No. 94.)

An Act to incorporate the Cavender's Creek and Field Mining Company.

1. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That John C. Early, L. D. Davis, and such persons as

Cavender's Creek and Field Mining Company.

Cavender's
Creek and
Field Gold
Mining Co.
Incorporated.

they may associate with them, and their successors and assigns, shall be and they are hereby declared, as soon as they shall organize under this Act, a body corporate and politic, under the name and style of "Cavender's Creek and Field Gold Mining Company," to work for Gold, or other valuable minerals, in the county of Lumpkin, and State of Georgia, on Fractional Lot of Land, No. 1182, 12th District 1st Section, known as the Boling W. Field Gold Vein, in Chestatee River, or on any other lands that they may now own or on any other lands that they may hereafter own either by purchase, lease, or otherwise, from the above described lot, or fractional lot, up the Chestatee River, to the mouth of Cavender's Creek, and up said creek to William Anderson's; and by that name may sue and be sued, plead or be impleaded, answer, or be answered unto, in any Court of law or equity in this State or in the Southern Confederacy, or any State thereof having competent jurisdiction; and shall enjoy perpetual succession of officers and members, have and use a Common Seal, and alter the same at pleasure; may make, ordain or establish such By-Laws, rules and regulations as they may deem expedient and necessary to carry into effect the objects of said Company; provided such by-laws, rules and regulations, are not inconsistent with the Constitution and Laws of this State, nor with the Constitution and Laws of the Confederate States.

Powers and
privileges.

By-laws.

Company
may own and
sell real estate.

2. SEC. II. *And be it further enacted*, That the aforesaid Company hereby created, shall by its corporate name, be capable, in law, of purchasing, owning, selling, and conveying, any real or personal estate, which may be necessary to enable said Company efficiently to carry on the operation mentioned in the first section of this Act.

Capital
stock \$51,-
000.

Shares.

3. SEC. III. *And be it further enacted*, That the capital stock of said Company shall be fifty thousand dollars; which capital stock may be divided into such number of shares as may be determined on by a vote or votes of three-fourths of the Stockholders, at a regular meeting of said Stockholders, to be ascertained by the rules and by laws of said Company, all parties at interest first having notice of the time and place of such meetings; and the Stockholders of said Company shall be liable pro rata for the debts of said Company, to the amount of their stock by them respectively held, but for no greater amount.

Personal li-
ability of
stockholders
for debts of
Company.Flume or
aqueduct.Dam on Ches-
tatee River.

Damages.

4. SEC. IV. *And be it further enacted*, That said Company shall have power and authority to construct Aqueduct on any part, on Cavender's Creek which they may select, below the above named William Anderson's, by ditch to carry water, trussel-work or flume to the said Boling W. Field's Gold Vein, for hose washing, and other process of mining; and to construct a coffer dam in Chestatee River, said dam not to occupy more than one-third of the bed of said Chestatee river, subject to such damages or compensation to the legal owners of the lands on which said ditch, trussel-work or flume may be constructed, as are reasonable and just, to be adjudged of and determined by three free holders of said county

Cavender's Creek and Field Mining Company.—Turner Copper Mining Company.

of Lumpkin, one chosen by said Company, one by said land owner, and a third chosen by the Inferior Court, or a majority of them, of said county of Lumpkin; and their judgment being rendered, duly certified to the Clerk of the Superior Court of said county of Lumpkin; and said Arbitrators are hereby authorized and required to certify and return their said judgment, and all their proceedings in said case, to the Clerk as aforesaid; said Clerk shall issue execution against the parties cost for all cast and damages; and said executions may be enforced under the same rules and laws that now govern the collection of money by execution in this State, unless the party against whom the said arbitrators found, shall enter an appeal in the Clerk's office, within four days from the return and entry of said judgment; which appeal may be entered under the same rules and regulations which now govern other cases of appeal; and said Company shall, in like manner, be liable for damages to the proprietors from whose lands, either in whole or part, any water course may be diverted by said Company; such damages to be assessed in the manner above named.

Execution.

Appeal.

Other damages.

5. SEC. V. *And be it further enacted*, That entry of an appeal in all cases provided for in this Act, shall in no case prevent the Company from proceeding with any work, or part of their work, on depositing with the Clerk of the Superior Court, or with such other persons as the Superior Court may direct, the sum found by said arbitrators, to be held subject to the final order of the Court; *And provided further*, that the Judge in vocation shall have the power to pass the proper order in reference to depositing the money, so as not to hinder the progress of the work until a regular term of the Court.

Deposit of damages assessed on appeal.

6. SEC. VI. *And be it further enacted*, That if any person or persons shall willfully or maliciously destroy, or in any manner damage, or injure, or obstruct, or shall counsel, aid or assist, or advise any person or persons, in any manner to hurt, damage, injure, or obstruct any part of said Company's works, or any appurtenances thereunto belonging or appertaining, such person or persons so offending, shall be liable to be indicted for a misdemeanor; and on conviction, shall be fined and imprisoned, or either, at the discretion of the Court.

Penalty for damaging, &c., Company's works.

Assented to December 6, 1861.

(No. 95.)

An Act to incorporate the Turner Mountain Copper Mining Company.

7. SECTION I. *The General Assembly of the State of Georgia do enact*, That William B. Rutherford and James P. Payton, and such other persons as they may hereafter associate with them, and their successors and assigns, shall be, and they are hereby declared, so soon as they shall organize under this act, a body corporate and politic, under the name and style of "The Turner Mountain Copper Mining Company," for the purpose of mining for Copper, Gold, Silver, or other valuable minerals, in Lumpkin county, on

The Turner Mountain Copper Mining Company incorporated.

Turner Copper Mining Company.—Dalton City Company.

Corporate powers &c.

Seal.

By-laws.

any lands they may now own, or may hereafter acquire either by purchase or lease, with the privilege of erecting any machinery necessary for the purpose aforesaid; and in their corporate name, have power to sue or be sued, answer or be answered unto, in any Court of law or equity in this State, having jurisdiction; and shall enjoy perpetual succession; and may have and use a common seal, and alter the same at pleasure; and may make all by-laws, rules and regulations they may deem proper for the government of said Company; *Provided*, the same are not inconsistent with the constitution laws of Georgia and Constitution and laws of the Confederate States of America.

Company may own and sell real estate.

S. SEC. II. *And it is further enacted*, That said Company, by its corporate name, shall have power to purchase, own, sell and convey any property, real and personal, that may be necessary to carry out the purpose of this charter.

Capital stock \$500,000. Shares.

Personal liability of Stockholders for debts of Company.

9. SEC. III. The capital stock of said Company shall be five hundred thousand dollars; which stock may be divided into such numbers of shares as two-thirds of said Company may determine at a regular meeting of such Stockholders, all parties at interest first having notice of the time and place of meeting; and the Stockholders shall be liable *pro rata*, for all the debts of said Company to the amount of stock owned by them respectively, but for no greater amount.

Location of office of Co.

10. SEC. IV. *And it is further enacted*, That said Company shall keep an office at Dahlonega, in said county of Lumpkin; which shall be considered for all judicial purposes, its location.

SEC. V. Repeals conflicting laws.

Assented to December 17, 1861.

(No. 96.)

*An Act to amend the Charter of the Dalton City Company, approved 23rd of February, 1850.**

List of Stockholders and officers to be made out and filed in Clerk's office.

11. SECTION I. *The General Assembly do enact*, That the Dalton City Company be, and they are hereby required to make out and file with the Clerk of the Superior Court of Whitfield county, a list of their Stockholders and of their officers, on or before the first day of January next, and on or before the first day of January in each and every year thereafter; which said list shall be recorded by said Clerk in his office.

SEC. II. Repeals conflicting laws.

Assented to December 17, 1861.

* For Act incorporating Dalton City Company, see Acts of 1849--50, p. 204.

Name of Cass county changed.

TITLE IV.

COUNTIES.

Sec. I. Name of the county of Cass changed to **BARTOW.**
 " 2. Name of Cassville changed to **MANAS-**
SAS.

Sec. 3. Change of name of county not to vitiate
 writs, deeds, &c.

(No. 97.)

An Act to change the name of the County of Cass, in this State, and for other purposes therein mentioned.

WHEREAS, The county of Cass, in this State, in its organization was named in memory of Lewis Cass, of Michigan; and the said Lewis Cass having recently shown himself inimical to the South by voluntary donations of his private property to sustain a wicked war upon her people, and by utterance of sentiments such as the South must be subjugated, the Union must be preserved; and has thereby become unworthy of the honor conferred by the naming of said county; *And Whereas*, deeming it the duty, it is always the pleasure of a brave and free people to perpetuate the memory of those who have fallen upon the field of battle in defence of the honor, rights and liberties of our common country, and by their noble deeds and self sacrificing devotion, have endeared their names in the hearts of the present generation. We should in some measure hand down their name and cause their memory to live ever green in the hearts of succeeding generations, therefore,

SECTION I. *Be it enacted*, That from and after the passage of this Act, the name of the county of Cass be, and the same is hereby changed to the name of Bartow, in honor of the late Colonel Francis S. Bartow, of Chatham county of this State, who fell at the battle of Manassas Plains, gallantly leading his men, on the 21st of July, 1861.

Sec. II. *Be it further enacted*, That the name of Cassville, the present county site of the county of Cass, be, and the same is hereby changed to the name of Manassas.

Sec. III. *Be it further enacted*, That no writ or process of any kind, deed, contract or agreement in said county, shall be vitiated by being entitled Cass county; but the same may be amended upon motion when necessary, without any delay or cost.

Assented to December 6, 1861.

TITLE V.

COUNTY LINES.

- Sec. I. Act of 17th December, 1860, changing line between Clayton and Fulton, amended.
- " 2. Lot No. 65, 14th District of originally Henry county added to Fulton county,
- except a half acre lot in Rough and Ready.
- Sec. 3. Lines between Sumter and Schley changed.

(No. 98.)

An Act to alter and amend An Act entitled An Act to change and alter the county lines between the counties of Dooly and Macon, assented to December 17th, 1860, and also to change the lines between the counties of Clayton and Fulton, and for other purposes.*

Act of 1860,
changing line
between
Clayton and
Fulton,
amended.

1. SECTION I. *The General Assembly of the State of Georgia do enact, That the words "east of Hog Creek," occurring in the first Section of the above recited Act, be, and the same are hereby stricken from said Act; and that, in lieu thereof, the words "all Northwest of the East bank of Hog Crawl Creek," be, and the same are hereby inserted in said Act, and shall become a part of the same; and that this alteration in said Act shall have relation to the date of the passage and approval of said original Act, and shall, to all intents and purposes, be construed and treated as though said original Act had read as the same is hereby altered and amended.*

Lot No. 65,
14th Dist.
originally
Henry, added
to Fulton, ex-
cept a half
acre lot in
Rough &
Ready.

2. Sec. II. *Be it further enacted, That lot of land No. 65, in the 14th District of originally Henry, now Clayton county, be, and the same is hereby added to the county of Fulton, excepting that part of said lot owned by W. H. Dearing, being a town lot in the town of Rough and Ready, on the south side of said land lot, being a square of one half acre, which is to remain in the county of Clayton.*

Sec. III. Repeals conflicting laws.

Assented to November 25, 1861.

For this Act see Acts of 1860, p. 142.

(No. 99.)

An Act to repeal so much of An Act assented to December 15th, 1859, as includes the North half of lot of land, number 10, in the 27th District of Sumter county, in the county of Schley.*

Lines be-
tween Sum-
ter & Schley
changed.

3. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, That so much of An Act assented to December 15, 1859, as includes the North half of lot of land Number 10, in the 27th District of Sumter county, in the county of Schley, it being the residence of George Dykes, be, and the same is hereby repealed.*

Assented to December 11, 1861.

* Acts of 1859, p. 273.

TITLE VI.

COUNTY REGULATIONS.

- Sec. 1. Act of 18th February, 1856, amended so as to include Whitfield county.
- " 2. Clerk's duties as to jury fees. Duty of County Treasurer as to jury fees.
- " 3. Sheriff in Elbert county not to be paid for summoning tales jurors who do not serve.
- " 4. Act of December 16, 1857, repealed.
- " 5. Tax on stock of non-residents, in Colquitt county.
- " 6. Such stock to be double taxed.
- Sec. 7. Non-residents of State not to drive stock into Murray and Fannin counties to graze.
- " 8. Penalty for so doing.
- " 9. Fees of officers acting under this Act. Such stock may be levied on for the forfeiture.
- " 10. Public sales to be held at Court House in Muscogee county.
- " 11. Persons prohibited from felling timber in Toccoah river.
- " 12. Penalty for a violation.

(No. 100.)

An Act to extend the provisions of An Act entitled An Act to regulate the collection of Jury fees in the Superior and Inferior Courts of the counties of Coweta, Floyd and Cass, approved February 18th, 1856, so as to include the county of Whitfield, and to add another Section to provide for the collection of the same.*

1. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the provisions of the above recited Act, be, and the same are hereby extended to the county of Whitfield.

Act of 18th Feb. 1856, amended so as to include Whitfield co.

2. Sec. II. *Be it further enacted*, That it shall be the duty of the Clerk of the Court to furnish the County Treasurer with a list of the cases on which jury fees are due, within ten days after the adjournment of the Court; and in all cases of appeal, it shall be the duty of the Clerk to pay over the amount so paid in on appeals; and it shall be the duty of the County Treasurer to call on the Sheriff, or his Deputy, for a settlement of such jury fees due on the cases in his hands; and on failure to pay over the same if collected, shall be subject to be ruled and pay four fold the amount so collected and retained; and it is hereby made the duty of the County Treasurer to call for a settlement of all such jury fees, and to rule the officer collecting or failing to collect the same, as in other cases of rules, either in term time or vacation.

Clerk's duty as to jury fees.

Duty of Co. Treasurer as to jury fees.

Assented to December 11, 1861.

* See Acts of 1855, 6. p. 487.

(No. 101.)

*An Act to amend An Act entitled An Act to compensate the Sheriffs of Burke, Elbert and DeKalb counties, for their services in summoning Grand and Petit Jurors in said counties respectively, assented to December 23, 1836.**

3. SECTION I. *The General Assembly of the State of Georgia do enact*, That the Act named in the title hereof, shall not be so con-

* Acts of 1836, Pamphlet, p. 252.

Sheriff in
Elbert coun-
ty not to be
paid for sum-
moning tales
jurors who
do not serve.

strued as to compensate the Sheriff of Elbert county for summoning as tales jurors, persons who do not actually serve as jurors upon the trial of any case or cases in the Courts of said county of Elbert.

Sec. II. Repeals conflicting laws.

Assented to December 17, 1861.

(No. 102.)

*An Act to repeal An Act, entitled An Act to authorize and require the Justices of the Inferior Court of Decatur county to order the payment of the Superintendents, Clerks and those who consolidate returns of elections of said county, for their services, assented to December 16, 1857.**

Act of 16
Dec. 1857
repealed.

4. SECTION I. *The General Assembly of the State of Georgia do enact, That from and after the passage of this Act, the above recited Act be, and the same is hereby repealed.*

Assented to December 17th, 1861.

* See Acts of 1857, p. 249.

(No. 103.)

An Act to compel non-residents to pay tax on Cattle and Sheep running and grazing in the county of Colquitt.

Tax on cattle
belonging to
non-residents
grazing in
Colquitt co.
to be paid in
said co.

5. SECTION I. *Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, persons non-residents of Colquitt county, owning and having Cattle and Sheep running and grazing in said county, shall give in, and pay tax therein upon such Cattle and Sheep.*

Such cattle
shall be
double taxed
if not given
in.

6. Sec. II. *And be it further enacted, That any person or persons failing or refusing to comply with this Act, shall be double taxed; and the same collected as now prescribed by law under the general tax law.*

Sec. III. All conflicting laws repealed.

Assented to December 17, 1861.

(No. 104.)

An Act to prevent citizens of other States from driving Cattle or other stock, into the counties of Murray and Fannin, in the State of Georgia, for the purpose of grazing, and to punish for the same.

Non-resi-
dents of this
State not to
drive stock
into Murray
or Fannin
counties, to
graze.

7. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall not be lawful for any person or persons being citizens of other States, to drive cattle or sheep, or other stock, into said counties, for the purpose of grazing.*

8. Sec. II. *And be it further enacted, That if any person or persons shall violate the provisions of this Act, he shall forfeit and pay the sum of two dollars per head, for each animal he may bring thereto for the purposes aforesaid, to be collected by any Court having jurisdiction of the same; said money when collected to be*

Penalty.

paid into the County Treasury were such stock may be driven, to be applied to county purposes.

9. Sec. III. *Be it further enacted*, That the officers of Court shall have the same fees as in other cases; and also shall have power to levy on said stock until the monies are paid.

Fees of officers.

Stock may be levied upon.

SEC. IV. Repeals conflicting laws.

Assented to December 14, 1861.

(No. 105.)

An Act to designate the place of holding sales by Sheriffs, Coroners, Executors, Administrators, Guardians and Trustees, in the County of Muscogee.

10. SECTION I. *The General Assembly of the State of Georgia do enact*, That in future all sales by Sheriffs, Coroners, Executors, Administrators, Guardians, Trustees, and other fiduciary agents, in the county of Muscogee, shall be held and conducted at the Court-house in said county.*

Public sales to be held at Court House in Muscogee county.

Sec. II. Repeals conflicting laws.

Assented to December 11, 1861.

* By Act of 10th December, 1847, it was made the duty of Executors, Administrators and Guardians, to hold their sales at the Market House, in Columbus, instead of at the Court-house. See Acts of 1847, Pamphlet, p. 19.

(No. 106.)

An Act to prevent any person or persons from felling in timbers or otherwise obstructing the current of Toccoah river in the county of Fannin, and to punish offenders for the same.

11. SECTION I. *Be it enacted*, That from and after the passage of this Act, it shall not be lawful for any person or persons, to fell or throw any timber in Toccoah river in the county of Fannin, so as to cause drifts in said river.

Persons prohibited from felling timber in Toccoah River.

12. Sec. II. *And be it further enacted by the authority aforesaid*, That any person who may hereafter violate the provisions of the first Section of this Act, shall be liable to pay the sum of twenty dollars; to be collected before any magistrate in said county; one half to go to the person suing for the same, and the other half to go into the County Treasury.

Penalty for violation.

Sec. III. Repeals conflicting laws.

Assented to December 11, 1861.

Ord'y. of Brooks may draw bal. educational fund for 1860.—J. H. Wyly may draw fund for Habersham.

TITLE VII.

EDUCATION.

Sec. 1. Arrearages of School Fund due Brooks county for 1860, to be deducted from general fund of 1861.

" 2. School Fund due Habersham county to be drawn by John H. Wyly.

Sec. 3. Unexpended balance of School Fund of Towns county to be turned over to Relief Committee of Towns county.

" 4. Ordinary of White county required to pay to C. H. Kytte \$35, for teaching poor children in 1858.

(No. 107.)

An Act to authorize the Ordinary of Brooks county to draw a balance of the Educational fund due said county for the year 1860.

Preamble.

WHEREAS, The Ordinary of Brooks county was under duress a portion of the year 1860, in consequence of his exposure to Small-pox, by reason of which his Deputy was compelled to attend to the duties of the office; *And Whereas*, said Deputy being inexperienced failed to make a correct return of the number of children in said county, by reason of which failure the county was deprived of its *pro rata* share of the educational fund, therefore;

Arrearages of school fund for 1860 due Brooks county, deducted from general fund of 1861.

1. SECTION I. *The General Assembly do enact*, That the balance due the said county of Brooks for the year 1862, out of the educational fund, be set apart from said fund for the year 1861, before the apportionment and division of said fund of 1861; and that his Excellency, the Governor, be authorized to draw his warrant on the Treasury in favor of the Ordinary of Brooks county for the balance thus due.

Assented to November 22, 1761.

(No. 108.)

An Act to authorize John H. Wyly to draw the Educational fund of Habersham county, and pay the same to the Board of Education of said county.

Preamble.

WHEREAS, The Ordinary of Habersham county, is absent from said county in the military service of the Confederate States:

School fund due Habersham county to be drawn by John H. Wyly.

2. SECTION I. *The General Assembly do enact*, That John H. Wyly be, and he is hereby authorized to draw the Educational fund of Habersham county for the year 1861, and pay the same to the Board of Education of said county; and the State Treasurer is hereby authorized and required to pay the same to the said John H. Wyly, and take his receipt therefor.

Sec. II. Repeals conflicting laws.

Assented to December 13, 1861.

Balance of Educational fund of Towns co.—C. H. Kytle.—Chas. H. Johnson, Admr.

(No. 109.)

An Act to authorize the Ordinary of Towns county to turn over to the Chairman of the Relief Committee of said county, a balance of Educational funds in his hands, after paying certain accounts.

3. SECTION I. *The State of Georgia in General Assembly met do enact*, That the Ordinary of Towns county, after paying all the legal claims of Teachers for schools already taught, and after retaining his lawful commission, be authorized to pay over the balance of the Educational fund belonging to said county, to S. Y. Jameson, chairman of a Relief Committee of said county, or his successor, to be expended as said Committee may deem proper, for the benefit of Volunteers and their families.

Unexpended balance of school fund of Towns county to be turned over to Relief Committee of Towns county.

Sec. II. Repeals conflicting laws.

Assented to December 17, 1861.

(No. 110.)

An Act to authorize the Ordinary of White county to pay C. H. Kytle for teaching poor children in said county of White.

4. SECTION I. *Be it enacted*, That the Ordinary of White county be, and he is hereby authorized and required, before paying money on any other account, to pay C. H. Kytle the sum of thirty-five dollars, out of the public school fund of said county, for teaching poor children in said county for the year 1858.

Ordinary of White county required to pay C. H. Kytle \$35, for teaching poor children in 1858.

Assented to December 17, 1861.

NOTE.—For Act authorizing Moses Fornby, a school teacher in Floyd county, to make return to the Ordinary of said county of poor children taught by him in 1861, and requiring him to be paid, see Act No. 131, Title RELIEF.

TITLE VIII.

EXECUTORS, ADMINISTRATORS, ORDINARIES, &c.

- Sec. I. Sale of lands of estate of Geo. Dugan, deceased.
- Sec. 6. Said Executor may be made party to suits pending against testator, by *scire facias*. Service how perfected. Costs of publication.
- " 2. Sale of lands of estate of Wm. Williamson, deceased, of Harris county.
- " 7. Said Executor not to remove any of the property of the estate out of Georgia.
- " 3. Ordinary of DeKalb county may grant letters of Administration on estate of Thomas H. Chivers to Harriet E. Chivers, without requiring bond.
- " 8. Acts of G. J. Green, Clerk of Ordinary of Spalding county, legalized.
- " 4. Ordinary may dismiss her from said Administration in case of her mismanagement of the estate.
- " 9. Acts of Micajah Estes, Clerk of Ordinary of Brooks county, legalized.
- " 5. Wm. B. Taylor, of Florida, may have letters testamentary under will of H. L. Taylor, late of Randolph county, deceased. He must give bond and security.

(No. 111.)

An Act to authorize Charles H. Johnson, an Administrator on the estate of George Dugan, late of Spalding county, to sell the lands of said estate, on the first Tuesday in December next.

WHEREAS, From the lateness of the day on which the order to

Adm'r. of the late William Williamson.—Estate of Thomas H. Chivers.

Preamble.

sell the lands of George Dugan deceased, was granted to Charles H. Johnson, Administrator, it is impossible to advertise the length of time now required by law, so as to sell said lands on the first Tuesday in December next; *And Whereas*, It is important to said estate that said lands be then sold, for remedy whereof,

Sale of lands
belonging to
estate of Geo.
Dugan, de-
ceased.

1. SECTION I. *Be it therefore enacted, &c.* That Charles H. Johnson, of Spalding county, administrator of said George Dugan, late of said county deceased, be, and he is hereby authorized to sell the said lands belonging to said estate situated in Spaulding county, on the first Tuesday in December next; and make titles to the same, as though the sale had been advertised the length of time now required by law; *Provided*, a notice of said sale be published in one of the Griffin papers from the time of the passage of this Act, weekly, until the sale.

Assented to November 26, 1861.

(No. 112.)

An Act to authorize the Administrator of the late William Williamson of the county of Harris, to sell all the lands of the estate of the said William Williamson, lying and being in the counties of Harris and Talbot, at the Court-house in the county of Harris.

Sale of lands
of estate of
Win. Wil-
liamson, de-
ceased, of
Harris co.

2. SECTION I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, the Administrator of the estate of the late William Williamson, of Harris county, be, and he is hereby authorized to sell all the lands of said estate lying or being situate in the counties of Harris and Talbot, at the Court-House of the county of Harris, on the first Tuesday in January next; *Provided*, said sale has been, at the time of sale, advertised the length of time now required by law for Administrators' sales, and that all other legal requirements be complied with; any law to the contrary notwithstanding.

Assented to November 22, 1861.

(No. 113.)

An Act to authorize the Ordinary of DeKalb county to grant letters of administration, with the will annexed, on the estate of Thomas H. Chivers, late of said county, deceased, to Harriet E. Chivers without the necessity of her giving bond and security.

Preamble.

WHEREAS, The Executor of the last will and testament of Thomas H. Chivers, late of DeKalb county deceased, since his qualification as Executor aforesaid, has died; *And Whereas*, the Clerks of the Superior and Inferior Courts of said county have refused under the appointment of the Ordinary of said county, to accept the administration of said estate, and [to?] give bond and security usual in cases of administration, and the Ordinary of said county has been unable to find any other fit and proper person who would accept

Wm. B. Taylor, Ex'r.

said administration, leaving said estate without any legal representative, much to the injury of the same, and inconvenience to the legatees and creditors of said Thomas H. Chivers; therefore,

3. SECTION I. *Be it enacted*, That the Ordinary of DeKalb county be authorized and empowered to grant letters of administration with the will annexed, on the estate of Thomas H. Chivers, late of said county deceased, to Harriet E. Chivers, the widow of said Thomas H. Chivers, without requiring of her the bond and security required by the Statute in cases of Administration.

Ordinary of DeKalb co. may grant letters of administration on estate of Thomas H. Chivers to Harriet E. Chivers, without requiring bond.

4. Sec. II. *Be it further enacted*, That it shall be the duty of the Ordinary of DeKalb county to require the said Harriet E. Chivers to make her annual returns as administratrix upon said estate; and should it appear by said returns, or otherwise, that the said estate is not being properly managed by said Administratrix, and the interest and safety of the same are being jeopardized, he shall, upon his own motion, discharge the said Harriet E. Chivers from said administration.

Ordinary may dismiss her from said administration in case of mismanagement.

Assented to December 3, 1861.

(No. 114.)

An Act to relieve William B. Taylor, of the State of Florida, nominated Executor of Henry L. Taylor, deceased, from legal disability on account of his non-residence, and for other purposes.

WHEREAS, Henry L. Taylor, late of Randolph county, in the State of Georgia, departed this life leaving a last will and testament executed according to law, nominating thereby William B. Taylor, of the State of Florida, as Executor; *And Whereas*, it is greatly desired by the surviving family of said deceased, that the said nominated Executor shall prove said will and receive letters testamentary in the premises:

Preamble.

5. SECTION I. *Be it therefore enacted*, That the said William B. Taylor be, and he is hereby relieved from all legal disability resulting from his non-residence; and that he be, and is hereby authorized to prove the said will; to receive from the Ordinary of said county of Randolph, who is hereby required to grant the same, letters testamentary, in the premises; and to do any and all things appertaining to the execution of said will, in as ample a manner as he could do if he were a citizen of this State; *Provided*, the said William B. Taylor shall give bond and security residing in the county of Randolph, in double the amount of property belonging to said estate, as in the case of Administrators in this State.

Wm. B. Taylor allowed to have letters testamentary under will of Henry L. Taylor deceased late of Randolph co.

Provided he give bond and security.

6. Sec. II. *Be it further enacted by the authority aforesaid*, That Wm. B. Taylor, Executor aforesaid, may be made a party to any suits at law or in equity instituted against the said Henry L. Taylor in his lifetime, by *scire facias* to be directed to said Executor, his agent or Attorney at law or in fact, which shall be served on said Executor, his agent, attorney at law or in fact, as the case may be, if to be found in the county of Randolph, by the Sheriff of said county;

Said executor may be made a party to suits pending against testator by *scire facias*.

Clerk of the Ordinary of Spalding county.

Service have
perfected.

and in case the said Executor, his agent, attorney at law or in fact, or either of them, are not to be found in said county, then service may be perfected by giving thirty days notice in any public gazette published in said county of Randolph, previous to the sitting of the Courts to which such suit or other proceeding may be returnable; and if no such gazette is published in said county, it shall be deemed a compliance with this Act, to publish the same in any gazette in any adjoining county in this State; the cost of said publication and service to be taxed against said Executor.

Costs of pub-
lication.Executor not
to remove
property of
estate out of
Georgia.

7. Sec. III. *Provided*, That nothing herein contained, shall be so construed as to authorize the said William B. Taylor, Executor as aforesaid, to remove any part of the estate of the said Henry L. Taylor, deceased, beyond the limits of this State.

SEC. IV. Repeals conflicting laws.

Assented to December 17th, 1861.

(No. 115.)

An Act to legalize the proceedings of G. J. Green, Clerk of the Ordinary of Spalding county.

Preamble.

WHEREAS, John D. Stewart, Ordinary of and for the county of Spalding, appointed G. J. Green, his Clerk of Ordinary, and the said Green performed all the duties of said office from the first Monday in July of the present year, up to the first Monday in October of the present year, which was during the absence of the said John D. Stewart, in the volunteer service of the Confederate States; *And Whereas*, there is some doubt as to the legality of said proceedings; for remedy whereof:

Acts of G. J.
Green, clerk
of Ordinary
of Spalding
county, legal-
ized.

8. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That all the proceedings had before G. J. Green, as Clerk of the Court of Ordinary, in the county of Spalding, be held and adjudged to be legal and binding as though the same proceedings had been had before John D. Stewart, the legally commissioned Ordinary for said county.*

* NOTE.—There seems to exist in the minds of many of the Ordinaries and Deputy Clerks of Ordinary throughout the State, very erroneous ideas of the respective powers and duties of those officers. This has arisen from two causes; 1st, a too inattentive reading of the amendment adopted in 1852 to the old Constitution; and 2nd, the ambiguous wording of the Act passed in the same year, to carry that amendment into effect by organizing the Court of Ordinary under it. That amendment, which, with very slight modifications, has been incorporated in, and forms a part of the new Constitution, is in the following language, to-wit:

"The powers of a Court of Ordinary or Register of Probates, shall be vested in an Ordinary for each county, from whose decisions there may be an appeal to the Superior Court, under such restrictions and regulations as may be, or may have been prescribed by law. The said Ordinary shall be *ex officio* Clerk of said Court, and may appoint a Deputy Clerk. The Ordinary, as Clerk, or his Deputy, may issue Citations and grant Temporary Letters of Administration, to hold until permanent Letters are granted; and said Ordinary, as Clerk, or his Deputy, may grant Marriage Licenses. The Ordinaries in and for the respective counties, shall be elected as other County Officers are, on the first Monday in January, Eighteen Hundred and Fifty-Two, and every fourth year thereafter, and shall be commissioned by the Governor for the term of four years; in case of a vacancy in said office of Ordinary, from any cause, the same shall be filled

9. Sec. II. *And be it further enacted*, That the acts of Macajah Estes, Deputy Clerk of the Court of Ordinary of Banks county, from the first of May last to the present time, in the absence of Elisha Headen, the Ordinary of said county, in the military service of the Confederate States; be, and the same are hereby made legal and binding as though the same had been had before the legally commissioned Ordinary of said county of Banks.

Acts of Macajah Estes, Clerk of Ordinary of Banks county legalized.

SEC. III. Repeals conflicting laws.

Assented to December 17, 1861.

by election, as is provided in relation to other County Officers, and until the same is filled, the Clerk of the Superior Court for the time being, shall act as Clerk of said Court of Ordinary."

By a careful reading of the above, it will be seen, that there is no such officer as "Deputy Ordinary." The Ordinary is, *ex officio*, "Clerk of Ordinary;" and may have a "Deputy Clerk of Ordinary," but cannot have a "Deputy Ordinary." The Ordinary, as such, may do certain Acts, among which are all the *judicial* acts performed by the Court; and the power to perform these acts, he cannot delegate to another; first, because the Constitution does not authorize him to do so; and second, because it is an established principle of the common law, that *judicial powers* cannot be delegated. As *ex officio* Clerk, the incumbent of the office of Ordinary, may do certain acts enumerated in the Constitution, viz.: "may issue citations, and grant temporary letters of administration to hold until permanent letters are granted;" and "may grant marriage licenses." The same acts may be performed by the "Deputy Clerk of Ordinary," but no others; for instance, the person who holds the office of Ordinary, and by the Constitution and laws is authorized to perform all the *judicial duties* of the office, when acting as Clerk of Court cannot issue permanent letters of administration, nor admit a will to probate, nor grant an order to sell land or negroes, nor sit upon and decide any issue in the Court of Ordinary, any more than a Clerk of the Superior Court could do the *judicial duties* of the Judge of that Court.—These acts can be done by him only when acting as *Ordinary*, that is, when sitting as a Judge of his Court, at a regular term.

If the Ordinary die, or resign, the "Deputy Clerk of Ordinary," if he had one, ceases to be such, both in accordance with that principle of the common law which declares that, on the death of a principal, the agent, or deputy, loses his powers to act as such, and because it is expressly provided in the last clause of said amendment, that in case of a vacancy in the office of Ordinary, "until the same is filled, the Clerk of the Superior Court for the time being, shall act as said *Clerk of Ordinary*." When a Clerk of the Superior Court, in this way, becomes "Clerk of Ordinary," he can as such, do those acts only which the Ordinary, had there been no vacancy, as "Clerk of Ordinary," or his "Deputy Clerk of Ordinary," could have done, and no others.

From the ambiguous language of parts of the Act of January 21, 1852, [Laws of 1851-2, p. 91.] it is not surprising that the impression has been made upon minds not accustomed to the close scrutiny, nor possessing the legal acumen of the thorough bred lawyer, that there is such an officer as "Deputy Ordinary." In the 14th Section of the Act, after providing that the Ordinary "shall give bond and security, in the sum of two thousand dollars, for the faithful discharge of his duties as a Clerk," it is enacted, that "said Ordinary shall have power to take bond and security, from his Deputy, for the faithful performance of his duty as such." This latter clause is calculated to mislead the mind and to leave the impression upon it, that the bond is to be taken of a Deputy Ordinary, whereas the intention was to authorize a bond to be given by the "Deputy Clerk of Ordinary." Again, in the next section, after prescribing the official oath to be taken by each Ordinary, (not merely as Clerk of Ordinary, for no separate oath is required of him as such,) it is provided, that "each and every deputy appointed under the provisions of this Act, shall take and subscribe a similar oath." If he does "take and subscribe a similar oath," he swears that he will "well and faithfully discharge the duties of Ordinary"—or *Deputy Ordinary*—"for the county of," &c., which certainly was not intended to be required of him; but that he should take an oath that he will "well and faithfully discharge the duties of" *Deputy Clerk of Ordinary* "for the county of," &c.

TITLE IX.

INTERNAL TRANSPORTATION.

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| <p>Sec. 1. Acts of Southern Stockholders and Board of Directors of B. & Fla. R. R. Co. legalized.</p> <p>" 2. Name changed to Brunswick and Albany R. R. Co.</p> <p>" 3. All rights and privileges under old name extended to Company under new name.</p> <p>" 4. Suits to proceed under new name.</p> <p>" 5. Road never to be abandoned or destroyed without consent of Southern stockholders.</p> <p>" 6. City of Brunswick may be released from her subscription to stock in Company.</p> <p>" 7. Reorganization of the Company.</p> | <p>Sec. 8. Extension of S. A. & G. R. R. to Tybee Island.</p> <p>" 9. Tax on extension.</p> <p>" 10. Right of way.</p> <p>" 11. Track of C. R. Road may be connected with track of S. A. & G. R. R. Rates of freight and passage.</p> <p>" 12. The C. R. R. & Banking Co. or the S. A. & S. R. R. Co., or both jointly, may connect the tracks of the two Roads at Savannah.</p> <p>" 13. If Mayor and Aldermen of Savannah object, track to run round the city.</p> <p>" 14. Connecting track to be the property of the Company constructing it.</p> |
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(No. 116.)

An Act to legalize the proceedings of the Southern Stockholders of the Brunswick & Florida Railroad Company; to change the name of said Company, and to amend the Act of incorporation; to extend the charter thereof, and to facilitate the building thereof.

WHEREAS, owing to the existence of the war, and the President and a majority of the Directors of the Brunswick and Florida Railroad Company, being inhabitants of the enemy's country, and having all the assets, books, and records of the Company in their possession, and the subordinate officers and employees being without authority or direction how to proceed, or the means to keep up the Road and the running of the trains, or to protect the property, the Chief Engineer in charge did, on the day of call a meeting of the Stockholders, to assemble in Brunswick on the 25th day of September last; *And whereas*, a large majority of the Southern owners of stock, did assemble in pursuance of said call, and elect a Board of Directors, all citizens of the State of Georgia, to take charge of the interests, and to manage the affairs of the Company, until such time as the Legislature can be applied to, to afford relief.

Preamble.

Acts of Southern stockholders, and Board of Directors of the B. & Fla. R. R. Co. legalized.

Name changed to Brunswick and Albany Railroad Company.

1. SECTION I. *Be it therefore enacted*, That the acts of the Stockholders of the Brunswick and Florida Railroad Company, and the acts of the Board of Directors, at their meeting on the 26th day of September last, be, and they are hereby ratified, confirmed, legalized, and made valid to all intents and purposes.

2. Sec. II. *Be it further enacted*, That the name of the Brunswick and Florida Railroad Company, be changed and altered to the Brunswick and Albany Railroad Company, to take effect from the passage of this Act.

3. Sec. III. *Be it further enacted*, That all the powers, rights, and

Savannah, Albany & Gulf Railroad Company.—Central Railroad and Banking Company.

privilege heretofore granted to the Brunswick and Florida Railroad Company, by the original charter and the Acts amendatory thereof, be and they are hereby continued and confirmed to the Brunswick [and Albany?] Railroad Company, for thirty years from and after the passage of this Act.

All rights and privileges under old charter, extended to Co. under new name.

4. Sec. IV. *Be it further enacted*, That all suits in favor of and against the Brunswick and Florida Railroad Company, may be prosecuted in the name of the Brunswick and Albany Railroad Company, without amendment or further pleading.

Suits to progress under new name.

And whereas, The said Brunswick and Florida Railroad Company was chartered to aid and advance the general, agricultural, manufacturing, and commercial interests of the State of Georgia, by opening up an easy access to the port of Brunswick, to the commerce of the State; now, therefore, to prevent the object thereof from being at any time defeated,

Preamble.

5. Sec. V. *Be it enacted*, That this Road shall never be abandoned nor destroyed without the consent of a majority of the individual Southern Stockholders of said Company.

Road never to be abandoned or destroyed without consent of Southern Stockholders.

6. Sec. VI. *Be it further enacted*, That the present Board of Directors, or any future Board who may be elected, shall have power to release the city of Brunswick from her subscription of fifty thousand dollars, or any part thereof, which she has heretofore made to the capital stock of said Company, and for which she has issued her bonds now in the hands of Northern officers of this Company; and that thereupon said city shall be forever released from the payment of said bonds or the interest thereon, to said Company, or to the holders, being now *alien enemies*; *Provided*, That this shall not be applicable to any bond which may have been *bona fide* transferred to any person other than an alien enemy, prior to the declaration of war; *Provided*, That nothing herein contained shall be so construed as to defeat any right of the Confederate States or of the State of Georgia.

Directors may release city of Brunswick from her subscription of \$50,000 to stock of Road.

Road not to pay the bonds issued on such subscription.

Exception as to bonds in hands of innocent holders not alien enemies. Rights of Confederate States saved.

7. Sec. VII. *Be it further enacted*, That said Brunswick and Albany Railroad Company, may be reorganized at any time by the Stockholders, upon the call of any two of the present Directors.*

Reorganization of Co.

Sec. VIII. Repeals conflicting laws.

Assented to December 16, 1861.

* For Acts relative to the Brunswick and Florida R. R., see Acts of 1835, p. 187, 216; Acts of 1838, p. 197; Acts of 1847, p. 184; Acts of 1851-2, p. 128; Acts of 1853-4, p. 406, Acts of 1855-6, p. 186.

(No. 117.)

An Act to authorize the Savannah, Albany and Gulf Railroad Company to extend its track to Tybee Island, upon certain conditions; and to authorize the Central Railroad and Banking Company of Georgia to extend its track and transport freight and passengers over said line to Tybee Island.

§ SECTION I. *Be it enacted*, That the Savannah, Albany and Gulf Railroad Company, is hereby authorized to extend its track, from

Savannah, Albany & Gulf Railroad Company—Central Railroad & Banking Company.

any point at, or in the limits of the city of Savannah, to Tybee Island; and the said Company shall have for those purposes, all the rights and powers conferred by its charter of incorporation, and the Acts amendatory thereunto.

9. Sec. II. *Be it further enacted*, That the capital stock issued for the construction of said extension, shall be liable to such rates of taxation as may be fixed, from time to time, for all other like property in this State.

10. Sec. III. *Be it further enacted*, That in all cases when it shall be necessary to use private property in the construction of said Railroad, the Company shall be liable for the right of way, which shall be ascertained in accordance with the laws now in force in accordance with the laws now in force in relation to the same; and that at the crossings made by the Company, of any way of travel, or of commerce, whether on land or water, the said Company shall construct such adequate works as will leave the same free to the unobstructed enjoyment and use of all persons.

11. Sec. IV. *The General of Georgia Assembly do further enact*, That it shall be lawful for the Central Railroad and Banking Company of Georgia, and that Company is hereby authorized and empowered to extend the track of the Central Railroad, and to join and unite the same with the track of the said "The Savannah, Albany and Gulf Railroad Company," at, in, or near the city of Savannah; and when the track to Tybee Island shall be completed, the said "The Savannah, Albany and Gulf Railroad Company," shall not make any discrimination or regulation, in its charges and rates, against the said "The Central Railroad and Banking Company of Georgia," nor give any preference to its own transportation, whether of freight or passengers, over that of said Central Railroad and Banking Company of Georgia; but that all things sent by the said "The Central Railroad and Banking Company of Georgia," shall be transported over the line to Tybee, at the same rates, and all passengers from the Central Railroad shall go at the same rates that shall be charged by the said "The Savannah, Albany and Gulf Railroad Company, on things and passengers coming from the Road of the said Savannah, Albany and Gulf Railroad Company.

Assented to December 11, 1861.

(No. 118.)

An Act to authorize the connection of the Railroad of the Savannah, Albany and Gulf Railroad Company with the Railroad of the Central Railroad and Banking Company of Georgia, by a track running through, or around the city of Savannah.

WHEREAS, There exists an absolute military necessity at this time to connect the aforesaid Roads:

12. SECTION I. *The General Assembly of the State of Georgia hereby enacts*, That it shall and may be lawful for the Central Railroad and Banking Company of Georgia, or the Savannah, Albany and Gulf Railroad Company, or for both of said Companies, jointly,

Patrol Laws amended.

to construct, maintain, use, and enjoy a Railroad track, joining the tracks of said Railroads, in the city of Savannah, with the assent of the honorable, the Mayor and Aldermen of the city of Savannah, tracts of the two Roads at Savannah.

13. Sec. II. *And it is further enacted*, That if the assent of the Mayor and Aldermen of the city of Savannah be not granted, then it shall be lawful for either or both of said Companies to construct, maintain, use, and enjoy a track outside of the limits of the city of Savannah, joining the aforesaid Roads. If Mayor and Aldermen of Savannah object, track to run outside of city.

14. Sec. III. *And it is further enacted*, That if the said junction track shall be constructed by the Central Railroad and Banking Company of Georgia, then the same shall be part and parcel of the Central Railroad, to all intents and purposes whatsoever; and if the same be constructed by the Savannah, Albany and Gulf Railroad Company, then it shall be part and parcel of the said Savannah, Albany and Gulf Railroad, to all intents and purposes whatsoever. Connecting track to be part of the Road constructing it.

Sec. IV. Repeals conflicting laws.

Assented to December 17, 1861.

TITLE X.

PATROLS.

Sec. I. Patrol laws amended, as to Dade county.

(No. 119.)

*An Act to alter the Sixth Section of An Act to amend the Patrol Laws of this State, approved February 20th, 1854.**

SECTION I. *Be it enacted by the General Assembly*, That the proviso of the sixth Section of An Act to amend the Patrol laws of this State, approved February 20th, 1854, be altered so as not to include the county of Dade; and that the provisions of said Act extend to the county of Dade. Patrol laws as amended, to Dade co.

SEC. II. Repeals conflicting laws.

Assented to December 11, 1861.

* Acts of 1853-4, p. 103.

TITLE XI.

PHYSICIANS.

Sec. I. Practicing Physicians and Millers in Jefferson county, exempt from military duty. Sec. 2. Eclectic Board of Physicians established. " 3. Board to be located at Athens, Georgia.

(No. 120.)

An Act to exempt Practicing Physicians and Millers in the county of Jefferson, from Military duty, and for other purposes.

Practicing
Physicians
and Millers in
Jefferson co.
exempt from
military duty.

1. SECTION I. *The General Assembly of Georgia do enact*, That all practicing physicians and millers in the county of Jefferson be, and they are hereby exempt from all military duty.

SEC. II. Repeals conflicting laws.

Assented to December 17, 1861.

(No. 121.)

An Act to constitute an Eclectic Board of Physicians to examine and license young men to practice medicine upon the Eclectic system, and to locate the same in the town of Athens, Georgia.

Eclectic Bd.
of Physicians
established.

2. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That I. J. Goss, of Jackson county, M. P. Alexander, of Hall county, J. D. Beecham, of Franklin county, Travis Latner, of White county, H. S. Brady, of Madison county, and their successors in office, be, and they are hereby constituted an Eclectic Board of Physicians, to examine and license young men to practice medicine upon the Eclectic or Progressive system; and the said Board shall conform to the same rules and regulations as are provided for the government of the Alopatic Board of Physicians, located at Milledgeville, Ga.

Board to be
located at
Athens, Ga.

3. Sec. II. *Be it further enacted*, That said Board shall hold its sessions annually, in the town of Athens, Ga., on the first day of April, and shall continue in session as long as may be necessary to transact the business of said Board.

Assented to December 19, 1861.

Widow of A. J. Boggess.—Mrs. M. Dillon.

TITLE XII.

RELIEF.

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| <p>Sec. I. \$501.80 appropriated for relief of the widow of A. J. Boggess, late Surveyor General.</p> <p>" 2. \$33.47 to Mrs. Margaret Dillon.</p> <p>" 3. Moses Fornby, of Floyd county.</p> <p>" 4. \$1.40 appropriated for relief of Abner Hern. \$13.30 for relief of W. J. Bush.</p> <p>" 5. Conditional appropriation for relief of Wesley Shuffield.</p> | <p>Sec. 6. Official acts as Deputy Sheriffs of Sumter county legalized.</p> <p>" 7. Sessions and proceedings of Courts in which they officiated as such Deputies legalized.</p> <p>" 8. Gabriel Toombs to pay taxes in Chatahoochee county.</p> |
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(No. 122.)

An Act to authorize and require His Excellency the Governor, to draw his warrant on the Treasurer of this State, in favor of the widow of A. J. Boggess, late Surveyor General, for the sum of five hundred and four dollars and eighty cents, and for other purposes.

WHEREAS, A. J. Boggess, late Surveyor General of this State, after making all necessary arrangements to secure the faithful, prompt and efficient discharge of the duties of his said office, did, with the concurrence of the Governor, enter the ranks of our army, as a private soldier, paying his own expenses; *And Whereas*, after participating in the struggle with the enemy, on the plains of Manassas, with distinguished gallantry, which he survived, was, from his untiring efforts and exposure in relieving the wounded after the battle, stricken down with fever, which resulted in his death, on the fifteenth day of August last; *And Whereas*, it is the true policy of this State to signify, in some way, her approval of such instances of true heroism and self denial as displayed in the conduct of this officer; *And Whereas*, he has left a widow and children who were dependant upon his personal efforts for the means of maintenance and education of which they are now deprived:

Preamble.

1. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the Governor be and he is hereby authorized and instructed, to draw his warrant on the Treasurer of this State, in favor of the widow of said A. J. Boggess, late Surveyor General of this State, for the sum of five hundred and four dollars and eighty cents; which amount the said officer would have been entitled to, had he continued in life and discharged the duties of said office until the expiration of the term for which he was elected.

\$501.80 ap-
propriated for
relief of wid-
ow of A. J. Boggess,
dec'd.

SEC. II. Repeals conflicting laws.

Assented to December 12th, 1861.

Mrs. M. Dillon.—Moses Formby.—Abner Hearn and Wesley Shuffield.

(No. 123.)

An Act for the relief of Margaret Dillon, administratrix of the estate of Michael Dillon, all of Chatham county.

§33 44 appropriated for relief of Mrs. M. Dillon.

2. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That his Excellency, the Governor, be, and he is authorized to draw his warrant on the Treasury of this State, for the sum of thirty-three dollars and forty-seven cents, in favor of Mrs. Margaret Dillon, administratrix of the estate of Michael Dillon, of Chatham county, deceased; which said sum was paid by the administratrix aforesaid, to the Tax Collector, of Chatham county, in the year 1857, in excess of the just and legal claim for taxes against said estate, upon a true return made of the property thereof.

Assented to December 9, 1861.

(No. 124.)

An Act for the relief of Moses Formby, of the county of Floyd, a school teacher, under the Acts in relation to common schools.

Preamble.

WHEREAS, Moses Formby has been engaged in teaching a school in the county of Floyd, during the year 1861, many of whose pupils are entitled to the benefit of the Act, for the distribution of the common school fund; *And Whereas*, the said Formby, from a want of knowledge of his duty, has failed to render to the Ordinary of Floyd county a list of his pupils entitled to the benefit of said fund, in accordance to the law; and is about to suffer loss on that account:

Moses Formby, a school teacher, may still make his return of children taught by him in 1861, and receive his pay.

3. SECTION I. *Be it therefore enacted by the General Assembly of the State of Georgia*, That the said Moses Formby, be now permitted to make his return of indigent scholars, taught by him in the year 1861, to the Ordinary of Floyd county, and that he be allowed to participate in said common school fund, as though his returns had been regularly and legally made.

SEC. II. Repeals conflicting laws.

Assented to December 17, 1861.

(No. 125.)

An Act for the relief of Abner Hern, of Miller county, Wesley Shuffield, and William J. Bush, of Early county, and to appropriate money for the same.

Preamble.

WHEREAS, Owing to a misunderstanding as to the true line between the counties of Early and Miller, Abner Hern has been compelled to pay taxes in both counties:

§440 appropriated for relief of Abner Hern.
§1330 for relief of Wm. J. Bush.

4. SECTION I. *Be it enacted*, that four and 40-100 dollars be, and it is hereby appropriated out of the Treasury of this State, to said Abner Hern, the same being the amount paid by him for taxes for the year 1860, to the Sheriff of Early county; and the sum of thirteen dollars and thirty cents to William J. Bush, of the county of

Augustus B. Raiford and Sterling Glover.

Early, the same being the amount paid by him, after paying his taxes in Miller county for the year 1860.

5. Sec. II. *And be it further enacted*, That the Governor draw his warrant on the Treasury in favor of Wesley Shuffield, of Early county, for such money as he was compelled to pay as State tax in the county of Miller, in 1860, upon the said Shuffield satisfying the Comptroller General and Governor, of the amount of State tax so paid in Miller county.

Conditional
appropriation
for relief of
Wesley Shuf-
field.

Sec. III. Repeals conflicting laws.

Assented to December 14, 1861.

(No. 126.)

An Act to make valid the doings and actings of Augustus B. Raiford and Sterling Glover, as Deputy Sheriffs of the county of Sumter.

WHEREAS, Samuel Dawson was duly elected Sheriff of the county of Sumter, on the — day of January, 1860, and after being commissioned and before his term of office had expired, he appointed Augustus B. Raiford and Sterling Glover, who were duly qualified and proceeded to discharge the duties of said office; *And Whereas*, since then, the said Samuel Dawson has been regularly commissioned as an officer in a volunteer company and is now doing duty as such in the army of the Confederate States, in Virginia, without having, at any time, formally resigned his commission as Sheriff aforesaid, and since his absence his said Deputies have continued to discharge all of the duties incident to the office of Sheriff in said county; *And Whereas*, doubts have arisen as to the legality of the official acts of said Deputies, and much litigation is likely to grow out of it, for remedy whereof:

Preamble.

6. SECTION I. *Be it enacted*, That all of the official acts of Augustus B. Raiford and Sterling Glover, as deputies of Samuel Dawson, late Sheriff of Sumter county, be, and the same are hereby made legal and valid, both in law and equity, to all intents and purposes, any law, usage or custom to the contrary notwithstanding.

Acts of Aug.
B. Raiford &
Sterling
Glover legal-
ized.

7. Sec. II. *Be it further enacted by the authority aforesaid*, That the several Courts held in said county of Sumter since the absence of their principal, the said Samuel Dawson, and in which they, the said Raiford and Glover, or either of them, officiated as Deputy Sheriffs, be, and the same are hereby declared to be regular Courts; and all of the judgments, orders, decrees, and all other proceedings of said Court are hereby made valid and legal, and shall not hereafter be ever called in question, or disputed on account of any irregularity in the office of Sheriff as aforesaid; any law, usage or custom to the contrary notwithstanding.

Courts in
which they
officiated, le-
galized, and
all proceed-
ings in such
Courts.

Assented to December 17, 1861.

Gabriel Toombs.—B. P. Key may keep up a dam across the Ocmulgee river.

(No. 127.)

An Act for the relief of Gabriel Toombs.

Preamble.

WHEREAS, The General Assembly of the State of Georgia, at the annual session in 1856,* in passing An Act for the relief of John Woolfork and William Woolfork, by making their plantations in the county of Chattahoochee, part of Muscogee county, did, unintentionally, create great doubt and confusion as to the boundaries of Chattahoochee county, and did thereby excite conflicting claims for taxes from Gabriel Toombs, a planter in said county of Chattahoochee, the same taxes being demanded of him by the Collectors of Muscogee and Chattahoochee; *And Whereas*, redress from these conflicting claims is difficult, if not impossible to be had through the Courts, and no citizen should be thus troubled and injured:

Gabriel Toombs to pay tax in Chattahoochee county.

S. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the Tax Collectors of the county of Muscogee shall not demand or receive of said Toombs any taxes for the year 1861, or previous year or future years; and that he shall pay taxes only to the Collectors of Chattahoochee county, whose receipts shall be a sufficient discharge in all cases.

Assented to December 3, 1861.

° See Acts of 1855-6, p. 134, for this Act.

TITLE XIII.

RIVERS AND DAMS.

See, 1. B. P. Key allowed to erect a Dam across Ocmulgee River on his own lands in counties of Jasper and Butts,

(No. 128.)

An Act to authorize B. P. Key of the county of Jasper, his heirs and assigns, to extend and keep up a Dam across the Ocmulgee River, at his mills on his own lands, in the counties of Jasper and Butts.

B. P. Key allowed to erect a dam on Ocmulgee River.

1. SECTION I. *The General Assembly do enact*, That B. P. Key of the county of Jasper, his heirs and assigns be, and they are hereby authorized to extend and keep a dam across the Ocmulgee River at his mills, on his own lands, in said counties, so as to raise a two and half foot head of water, for the purpose of propelling saw and grist mills, and such other machinery as the conveniences of the country may require; *Provided*, The raising of the above head of water does not cause the water to overflow and damage the land of any other person or persons; *And provided further*, That said dam

shall be so arranged by lock or slope, as not to prevent the passage of fish up said river, from the first of November to the first of May, any law to the contrary notwithstanding.

Assented to December 12, 1861.

TITLE XIV.

ROADS.

(No. 129.)

An Act to amend an Act assented to the 19th day of December, 1860 in relation to the Road Laws of Camden county; also to repeal an Act entitled An Act to authorize the Inferior Court of Early county to levy a Road Tax, approved December 13th, 1859.†*

SECTION I. *The General Assembly do enact*, That the provision in the first Section of said Act in relation to Cumberland Island be, and the same is hereby repealed. Act of 19 Dec. 1860, repealed.

Sec. II. *And be it further enacted*, That an Act entitled an Act to authorize the Inferior Court of Early county, to levy a Road Tax, be and the same is hereby repealed. Act of Dec. 13, 1859, repealed.

Assented to December 17, 1861.

* Acts 1860, p. 223.

† Acts of 1859, p. 367.

TITLE XV.

SLAVES AND FREE PERSONS OF COLOR.

Sec. 1. Elmira Mathews, a free person of color, may sell herself into slavery to Jno. J. Doherty. Sec. 2. Mode of perfecting the sale.
3. Order of sale to be recorded—Clerk's fee.

(No. 130.)

An Act to authorize Elmira Mathews, a free person of color, to sell herself into perpetual slavery.

SECTION I. *The General Assembly do enact*, That Elmira Mathews, a free person of color in Greene county, be, and she is hereby authorized to voluntarily become the slave of John J. Doherty for life. Elmira Mathews, a free person of color, may sell herself into perpetual slavery.

Sec. II. That in order to carry into effect the first section of this

Tax for county purposes in Butts county.

Mode of verifying the sale.

Consideration.

Order of sale to be recorded.

Act, the said John J. Doherty and the said Elmira Mathews shall go before the Justices of the Inferior Court, or a majority of them, in said county, who shall faithfully and fully examine her as to her willingness to become the slave for life of said John J. Doherty; and upon being satisfied of the same, they shall pass an order to the effect that said Elmira Mathews be held, deemed and considered the slave of said John J. Doherty, for and during her natural life, subject to all the incidents of slavery, except the liability of being sold during the lifetime of said Doherty, by himself or his creditors for his debts: The sole consideration for which voluntary enslavement on her part, shall be the obligation thereby incurred by her master of feeding, clothing and protecting her.

Sec. III. It shall be the duty of the Clerk of the Inferior Court to record said order on the minutes of the Court as evidence of title; also, to record the same in the book kept by him for recording other evidences of title to personal property; for which the said John J. Doherty shall pay a fee to said Clerk of five dollars.

Assented to December 17, 1861.

TITLE XVI.

TAX.

- Sec. 1. Levy of county tax in Butts co., in 1861, legalized.
- “ 2. Inferior Court of Coweta county on recommendation of Grand Jury, may levy a county Tax for relief of indigent soldiers and their families.
- “ 3. County Tax not to exceed 100 per cent on State Tax. Property of private soldiers exempt from this Tax.
- “ 4. Collection of such Taxes, and fees of Collector.
- “ 5. Extra Tax in Stewart county, on account of soldiers in service. Such Tax not to exceed 300 per cent. on State Tax.
- “ 6. Soldiers in service whose taxable property is not over \$2,000, exempt from this Tax. Executions not to be issued for collection of this Tax on property of soldiers till 6 months after the Tax is to be collected.
- “ 7. Commissioners and their duties.
- “ 8. Collection of such Tax.
- “ 9. Certain credits to be allowed.
- “ 10. Taxes assessed in 1861, legalized.
- “ 11. Extra Tax in Sumter county on account of soldiers. Such Tax not to exceed 300 per cent. on State Tax.
- “ 12. Two sets of Tax Books to be made out.
- “ 13. Collectors to be appointed.
- “ 14. Duties of Collector. Executions for Tax.
- Sec. 15. Disbursement of the funds raised by such Tax.
- “ 16. Advancements by citizens to be refunded.
- “ 17. Inferior Court to settle with Relief Committee.
- “ 18. Certain tax payers to be allowed credits.
- “ 19. Soldiers whose taxable property does not exceed \$2,000, exempt. Tax executions.
- “ 20. This Act to continue in force during the War, or till altered or repealed.
- “ 21. Extra tax in Tattnall county, on account of Soldiers in service. Discrimination in favor of those who have contributed to soldiers.
- “ 22. After assessment for first year, tax to be equal according to taxable property.
- “ 23. Disbursement of such Taxes.
- “ 24. Treasurer to give bond. Duties of Treasurer.
- “ 25. No taxes to be assessed in Ware co., for building Court House till the war closes.
- “ 26. Application of tax money heretofore raised in Ware to build Court house.
- “ 27. Act of 19 Dec., 1859, repealed as to Wilcox county.
- “ 28. Extra tax in Whitfield county on account of soldiers in service.

(No. 131.)

An Act to legalize and make valid the levying of a Tax for county purposes, for the county of Butts, for the year 1861, and to authorize its Collection.

1. SECTION I. *Be it enacted by the General Assembly of the State of*

Extra Tax in Coweta.—Extra Tax in Stewart.

Georgia, That, *whereas* the Inferior Court of the County Butts, did levy a tax for County purposes, for the year 1861, without re-commendation from a Grand Jury, the same is hereby made legal and valid; and that all the laws now of force for the collection of Taxes be, and the same are hereby declared to be in force for the collection of said Taxes.

Levy of county tax in Butts county, for 1861, legalized.

Sec. II. Repeals conflicting laws.

Assented to December 11, 1861.

(No. 132.)

An Act to authorize the Justices of the Inferior Court of Coweta county, from time to time, to authorize the levying and collecting of such taxes, in said county, as are herein-after provided, for the purposes herein provided, and for no other purposes whatever; which shall be known and designated, as a tax for the purpose of supporting the indigent families of soldiers, who have, or may hereafter go into the actual service of the country; and also for the support of such indigent soldiers who have, or may hereafter return home from such service, either in a crippled or disabled condition.

2. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That it shall, and may be lawful for the Inferior Court of Coweta county, to levy and collect an extra tax upon the State tax, for the purpose contemplated in this Bill, to-wit: That it shall be the duty of the said Court to levy, upon the recommendation of the Grand Jury of said county, at their Spring Term, and cause to be collected, such amounts of Taxes as may be necessary for the purposes contemplated in this Act.

Inferior Court of Coweta county on recommendation of Grand Jury, may levy a county tax for relief of indigent soldiers and their families.

3. Sec. II. *And be it further enacted*, That the said Justices shall not be allowed to levy and collect in any one year, for said purposes, more than 100 per cent, on the State Tax. The property of soldiers now in the service, or may hereafter go into such service, is, and shall be exempt from the provisions of this Bill, except that of Commissioned Officers.

The county tax not to exceed 100 per cent. on State tax. Property of private soldiers exempt from this tax.

4. Sec. III. *And be it further enacted*, That the Justices of said Court, shall have the Taxes contemplated by this Act, collected by the Collector of State and County Taxes of said county, whose fees shall not exceed $1\frac{1}{2}$ per cent. on said amount.

Collection of such tax, and fees of collector.

Sec. IV. Repeals conflicting Laws.

Assented to December 12, 1861.

(No. 133.)

An Act to direct and empower the Inferior Court of Stewart county to levy, collect, and disburse an extraordinary tax for the support of the indigent families of such soldiers as have gone, or may hereafter go into the service of the Confederate States or the State of Georgia, and to appoint Commissioners for the disbursement of said tax, and to legalize the orders or judgments of the Inferior Court of said county, which levied an extraordinary tax for the year 1861, and provide for the collection of the same.

5. SECTION I. *Be it enacted by the General Assembly of the State of*

Extra Tax in Stewart county.

Extra tax in
Stewart
county for
soldiers.

Georgia, That from and after the passage of this Act, the Inferior Court of Stewart county shall have power to levy a sufficient tax, upon the State tax, from year to year, during the continuation of the present war, to raise such an amount as they and the Commissioners to be hereafter provided for, shall in their judgment, deem sufficient to provide for the necessary wants of the indigent families of such soldiers as have gone, or may hereafter go into the service of the Confederate States or the State of Georgia; *Provided*, such tax shall not exceed three hundred per cent. on the State tax.

Tax not to ex-
ceed 300 per
cent. on State
tax.

Property ex-
empt from
such tax.

Executions
for collection
of such tax.

6. Sec. II. *And be it further enacted*, That all persons in actual military service of the Confederate States or State of Georgia, whose taxable property does not exceed two thousand dollars, shall be exempt from the payment of said tax; and that no execution shall be issued against the property of any person who is in actual military service, as a default tax payer, for six months after the expiration of the time allowed for collecting said tax.

Commission-
ers, and their
duties.

7. Sec. III. *And be it further enacted*, That the Inferior Court of said county shall have power to appoint five or seven Commissioners, whose duty shall be to enquire into, and report to said Inferior Court by the first Monday in March, for each and every year during the war, the amount necessary for the purpose heretofore named, and superintend the disbursement of said funds as they, in their judgment, shall deem best.

Collection of
such taxes.

8. Sec. IV. *And be it further enacted*, That the Inferior Court in connexion with the Commissioners, or a majority of said Commissioners, shall have power to contract with the Tax Collectors of said county, or some other person, as they in their judgment, shall deem best, for the collection of said tax; and said Collectors thus appointed, shall have all the powers now vested in Tax Collectors, and be liable to all the penalties now imposed on Tax Collectors of this State for failing to perform the duties of their office; and said Collectors shall be required to give such bond and security for the faithful performance of their duties, as said Inferior Court and Commissioners shall require, and shall pay over to said Commissioners, all taxes by them thus collected, within ten days after the time designated by the said Inferior Court for the collection of said taxes.

Certain cred-
its to be al-
lowed.

9. Sec. V. *And be it further enacted*, That the said Inferior Court and Commissioners, or a majority of said Commissioners, through their Collectors, shall be permitted to allow persons who desire it, such sums as credits on the amounts assessed against them, as they may have paid in money or clothing for the outfit of all soldiers that have gone into the service of the Confederate States or the State of Georgia, up to the passage of this Act; *Provided*, such person or persons shall file their affidavit with the Commissioners of said Court [county?] setting forth said amounts by the first Monday of February, 1862; *And provided*, the amount given in money, to any one soldier shall not exceed ten dollars; *And provided further*, that the credit, or credits shall not exceed the amount of the assessment for one year; but said credit or credits may be allowed

Extra tax in Sumter county.

from year to year, until the amounts paid out are entirely refunded; *And provided*, that in no case shall credits be allowed, for more than fifteen dollars in money, and twenty dollars in clothing, furnished or given to the same soldier, although the amounts may have been furnished or given by different tax payers.

10. Sec. VI. *And be it further enacted*, That the extraordinary tax assessed by the said Inferior Court, for the fiscal year 1861, for the relief of the indigent families of soldiers in actual service from said county be, and the same are hereby declared legal and valid; and the tax payers of said county shall be liable to pay said tax as fully as any State or county tax.

Taxes assessed in 1861, legalized.

Assented to December 12, 1861.

(No. 134.)

An Act to direct and empower the Inferior Court of Sumter county, or a majority thereof, to levy, collect and disburse an extraordinary tax, for the support of the indigent families of such soldiers from Sumter county, who are now, or may hereafter be absent, in the State or Confederate military service, and for other purposes connected therewith.

11. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and immediately after the passage of this Act, the Inferior Court, or a majority thereof, of the county of Sumter, shall levy upon the taxable property of said county as returned to the Tax Receiver of said county for the present year, and as may be returned for each succeeding year hereafter, such a tax as in their judgment will raise an amount of funds sufficient to support the indigent families of such soldiers, who have left, or may hereafter leave said county, and are now or may hereafter become engaged, either in the Confederate or State Military service, for and during the time of said service; *Provided*, said levy shall not exceed three hundred per cent. on the State tax now paid by said county.

Inferior Court of Sumter county, may levy an extra tax on account of soldiers in service and their families.

Such tax not to exceed three hundred per cent. on State tax.

12. Sec. II. *Be it further enacted*, That the said Inferior Court at the same time, or within ten days thereafter, shall appoint some suitable person whose duty it shall be to make up by districts, two books with the names and aggregate amount of property returned by each tax payer, as they may appear on the book of the Tax Receiver of the county of Sumter for the present year; and shall likewise enter, in connection with said names and amount of property returned, the amount due by each in accordance with the levy made by said Inferior Court; and shall then deposit one of said books with the Clerk of the Inferior Court of said county, and the other with the person designated by the Inferior Court to collect said tax; and shall receive for said service, a compensation to be determined by the Inferior Court.

Tax books to be made out.

13. Sec. III. *Be it further enacted*, That the said Inferior Court shall then appoint some proper person whose duty it shall be to collect said tax; the person thus appointed giving bond and security for the faithful performance of said duty, in such an amount as

Collector to be appointed.

may be determined by the said Inferior Court; and shall receive proper compensation for his services, to be determined by the Inferior Court.

Duties of
Collector.

14. Sec. IV. *It is further enacted*, That the Collector thus appointed and qualified, shall proceed at once to the discharge of the duties of his office, by first giving ten days notice in the public gazette of Americus, and by posting a like written notice at some public place in each Justice's district of said county, stating the times and places at which he will attend to collect said tax; and as the same may be collected it shall be the duty of said Collector to pay it over to the Inferior Court, or their order, at intervals not longer than one week; and if within sixty days after the expiration of said notice, any person or persons shall have failed or refused to pay said tax, then and in that case, the said Collector shall issue execution against the property of the person or persons so refusing or failing to pay; and shall proceed with said execution in the same manner as now authorized by law for the collection of the ordinary State and county tax.

Tax Execu-
tions may be
issued.

Disburse-
ment of the
fund raised
by such tax.

15. Sec. V. *Be it further enacted*, That the said Inferior Court of the county of Sumter, shall appoint some person, whose duty it shall be to disburse the fund raised by said tax, under the supervision of said Inferior Court, and in accordance with such rules and regulations as the said Inferior Court may adopt with a view to an equitable and proper disbursement of the same. And the said Inferior Court shall have the same control and power over said officer as they now have by law over their county Treasurer.

Preamble.

And Whereas, Several citizens of the county of Sumter, have made their notes and have thereby raised large sums of money which were used in the equipment of the Volunteers of said county; *And Whereas*, the refunding said sums was guaranteed by a large meeting of the tax payers of said county:

Advance-
ments by cit-
izens to be re-
funded.

16. Sec. VI. *Be it therefore enacted*, That the said Inferior Court are hereby empowered and directed to refund the several amounts to the persons thus making their notes, from the monies collected by virtue of this Act.

Inferior
Court to set-
tle with Re-
lief Commit-
tee.

17. Sec. VII. *Be it further enacted*, That the said Inferior Court is hereby authorized and directed, to examine the books and accounts of, and settle with the Committee appointed by the citizens of the county of Sumter, and known as the Military Relief Committee, receiving from said Committee the books, money, notes, subscriptions and provisions, that may be in the possession of said Committee at the time of settlement; and shall refund to said Committee all monies they may have advanced over and above their collections; and shall assume the payment of all debts contracted by said Committee, pertaining legitimately to the duties of their office.

Tax payers to
be allowed
certain cred-
its.

18. Sec. VIII. *Be it further enacted*, That the said Inferior Court, through their Collector, shall allow to persons desiring it, such sums as credits on the amounts assessed against them, as they may

Extra Tax in Tatnall county.

have actually paid in money or provisions heretofore to the support of the soldiers families, and which may appear to have been paid by the books of the Military Relief Committee; *Provided*, such credit or credits shall not exceed the amount of the assessment for one year, but may be allowed from year to year, until the amount paid in is thereby refunded.

19. Sec. IX. *Be it further enacted*, That this Act shall not apply to any soldier in actual military service, whose property as returned, does not exceed two thousand dollars; and no execution shall issue against the property of a person in actual military service, under a less time than six months after the expiration of the time allowed to collect from such persons as are not in actual military service.

This tax not to be levied on property of soldiers in service whose taxable property does not exceed \$2,000. Tax executions.

20. Sec. X. *Be it further enacted*, That this Act shall continue and be in force, and its requisitions shall be carried out by the said Inferior Court of Sumter county, annually, during the present war, or until the same shall be amended or repealed; all laws and usages to the contrary notwithstanding.

Act to continue in force during the War, or till altered or repealed.

Assented to December 6, 1861.

(No. 135.)

An Act to confer certain powers, and to impose certain duties upon the Inferior Court of Tatnall county, and to provide for the collection, by taxation, of money to aid and assist the Volunteer company, or companies, now raised, or to be raised in said county; and to afford such aid to the families of the soldiers absent, as be compatible with the resources of the citizens of said county.

WHEREAS, a considerable amount of money has already been collected from certain citizens of said county, by voluntary assessment and collection by, and from them, a list of which citizens thus paying, has been preserved, and the amount of the sums raised appears from memorandums and books kept by a committee appointed by the people of Tatnall in primary meeting; *And Whereas*, certain other persons in said county, have not voluntarily or otherwise contributed to the support of said volunteers or their families, and some have not adequate to their means aided in such contributions, and it being right, proper and just, that the burdens of common defence and common protection against our common enemy, should be borne equally by all, in proportion to the value of their property:

Preamble.

21. SECTION I. *Be it enacted by the General Assembly*, That the Inferior Court of said county be, and they are hereby required and empowered, to assess such taxes upon the citizens of said county, as may be necessary for the aid of the volunteers raised in said county and their families, (such of them as may be needy,) and to have the same collected and assessed, as is now done by the laws of the State; upon the first assessment of taxes, however, such discrimination shall be made in behalf of those who have voluntarily

Extra tax to be levied and collected in Tatnall co. on account of soldiers.

Discrimination in favor of those who have made

Extra tax in Ware to build a Court House.

voluntary contributions to the soldiers contributed already, so as to make the taxes fall equally upon the citizens alike, in proportion to the value of their property, regarding said just discrimination.

22. Sec. II. *And be it further enacted*, That thereafter, all assessments of taxes made by the Inferior Court, shall be equally alike upon every citizen, in proportion to the value of his property, thereby preserving a just equality in the burdens of taxation, during the present war.

Disburse'm't of such taxes. 23. Sec. III. *And be it further enacted*, That the taxes when so collected, shall be paid over to the county Treasurer as a military fund for the benefit of said volunteers, and their families, such as may be needy, and paid out under the order and direction of the Inferior Court of said county.

Treasurer to give bond. 24. Sec. IV. *Be it further enacted*, That the Treasurer, before receiving said sums as may be collected under this Act, shall give bond and security for the faithful application of the money that may come into his hands, to be approved of by the Inferior Court; and the Treasurer shall keep an account of the monies received and paid out, in a separate book by him to be kept for that purpose; and shall also be subject to be punished for contempt by the Inferior Court, in the event of his refusal to account for, and pay out said money under their order and direction.

Duties of the Treasurer.

Sec. V. Repeals conflicting laws.

Assented to December 6, 1861.

(No. 136.)

An Act to repeal An Act entitled An Act to authorize the Inferior Court of Ware county to assess an extra tax for the purpose of building a Court House in said county, and for other purposes.

Not tax to be assessed for building a Court House in Ware, till war closes. 25. SECTION I. *Be it enacted*, That An Act entitled An Act to authorize the Inferior Court of Ware county to assess an extra tax, for the purpose of building a Court House in said county, approved the ninth day of December 1859,* be, and the same is hereby repealed; and that the Inferior Court shall not levy or assess any more extra tax for Court House purposes, for or during the present war, or collect any tax for Court House purposes, from the citizens of Ware county.

Application of moneys heretofore collected for that purpose. 26. Sec. II. *And be it further enacted*, That all monies already collected by virtue of the above recited Act, be applied to the support of indigent families of soldiers of said county, in the State or Confederate service.

Sec. III. Repeals conflicting laws.

Assented to December 12, 1861.

* For this Act, see Acts of 1859, p. 374.

Act to tax cattle of non-residents in Wilcox repealed.—Extra tax in Whitfield.

(No. 137.)

An Act to repeal An Act entitled An Act to compel all persons non-residents of the counties of Wayne, Irwin and Wilcox owning, penning and grazing stock cattle, in said counties, to return and pay taxes on the same, in the counties aforesaid, assented to December 19th, 1859, so far as relates to the county of Wilcox.*

27. SECTION I. *The General Assembly of the State of Georgia do enact,* Act of 19 Dec. 1859, repealed as to Wilcox co. That so much of the above recited Act as relates to the county of Wilcox, is hereby repealed.

SEC. II. Repeals conflicting laws.

Assented to December 17, 1861.

* See Acts of 1859, p. 297.

(No. 138.)

An Act to authorize the Inferior Court of Whitfield County, to levy a tax of not exceeding fifty per cent. upon the State tax, and to authorize them to appropriate the same to the families of those that may be absent either in the service of the State or Confederate States.

28. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* Extra tax in Whitfield co. for relief of needy families of soldiers in service. That it shall and may be lawful for the Inferior Court of the county of Whitfield, to levy a tax of not exceeding fifty per cent. upon the State tax, and appropriate the same to any families or other persons that may be found in need on account of the absence of their friends in said service; *Provided,* also that the parties applying for the benefit of this Act, shall furnish to the Court satisfactory evidence that they are actually in need, and have no other means of support.

Assented to December 11, 1861.

NOTE.—For Act appropriating \$33.47 to Mrs. Margaret Dillon, for excessive tax paid, see Act No. 123; also Act No. 125 for appropriation of \$4.40 to Abner Hern for excess of tax paid by him; and same Act for appropriation of \$13.30 to Wm. J. Bush for excess of tax paid by him. See also same Act for conditional appropriation to Wesley Shuffield, on a similar account. For Act providing that Attorneys-at-law failing to pay their professional tax, shall be stricken from the roll of Attorneys, see Act No. 5, Public Laws.

TITLE XVII.

TELEGRAPH COMPANIES.

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| <p>Sec. 1. Georgia Telegraph Company incorporated.</p> <p>" 2. Powers to construct and use Telegraph lines.</p> <p>" 3. Capital stock and shares.</p> <p>" 4. Board of Directors.</p> | <p>Sec. 5. Liability of stockholders for debts of Co.</p> <p>" 6. Officers and operators exempt from Militia, Patrol and Jury duty.</p> <p>" 7. Privileges and restrictions of Magnetic Telegraph, extended to Company.</p> |
|---|---|

(No. 139.)

An Act to incorporate the Georgia Telegraph Company.

SECTION I. *Be it enacted*, That John P. King, John Bones, Richard Peters, and their associates be, and the same hereby created a body politic and corporate, by the name and style of "The Georgia Telegraph Company"; and by that name may sue and be sued, make contracts, have and use a common seal, and establish by-laws not inconsistent with the Constitution and laws of this State, or of the Confederate States.

Sec. II. *Be it further enacted*, That said Company shall be authorized to establish, construct and manage, use and control, lines of Magnetic Telegraph, between any and every two points within this State.

Sec. III. *Be it further enacted*, That the capital of said Company shall be divided into shares as the by-laws may provide, transferable according to said by-laws, and shall be of such amount as may actually be required for the lines of Telegraph actually erected by them.

Sec. IV. *Be it further enacted*, That said Company shall be managed by a Board of Directors elected according to their by-laws, who shall hold their meetings, and keep their principal office in Augusta.

Sec. V. *Be it further enacted*, That the stockholders of said Company for the time being, shall be jointly and severally liable for all the debts contracted, and purchases made by the Company.

Sec. VI. *Be it further enacted*, That all Telegraph operators and officers actually employed as such by said Company, shall be exempt from military, patrol and jury duty, during such actual employment.

Sec. VII. *Be it further enacted*, That said Company shall be entitled to the privilege, and subject to all the restrictions provided for by an Act to authorize the construction of the Magnetic Telegraph, approved on the twenty-ninth of December, eighteen hundred and forty-seven;* *Provided*, that the charter herein granted, shall not be so construed as to interfere with the chartered rights of other Telegraphic companies.

Sec. VIII. Repeals conflicting laws.

Assented to December 17, 1861.

* For this Act, see Acts of 1847, p. 218.

Georgia Telegraph Co.

Powers and privileges.

Powers to construct and use Telegraph lines.

Capital stock and shares.

Board of Directors.

Office in Augusta.

Liability of Stockholders.

Officers and operators of Co. exempt from Militia, Patrol and Jury duty.

Privileges and restrictions of the Magnetic Telegraph, extended to this Company.

RESOLUTIONS

ADOPTED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF GEORGIA,

At an Annual Session in 1861.

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| <p>No. 1. Relative to a bill to authorize the Justices of the Inferior Courts to levy an extra tax on account of Soldiers in service and their families; also relative to the assumption by the State of the Confederate War Tax.</p> <p>" 2. Relative to monopolies, extortion and speculations.</p> <p>" 3. Messrs. Clark and Tucker, Agents Georgia Hospital Association.</p> <p>" 4. Election of Confederate States Senators.</p> <p>" 5. On reduction of salaries.</p> <p>" 6. Relative to Deaf and Dumb Asylum.</p> <p>" 7. Grant to certain lot of land in old Early, to be issued to John Sapp.</p> <p>" 8. Boundary line between Georgia and Florida.</p> <p>* 9. Rev. C. W. Thomas.</p> <p>" 10. Relative to the prosecution of the War.</p> <p>" 11. Duties and pay of Secretary of State as to Surveyor General's Office.</p> <p>" 12. Resolutions as to collection of cotton and other crops in Georgia.</p> <p>" 13. Instructions to Tax Collectors to be issued by Comptroller General.</p> | <p>No. 14. Tax Collectors and Comp. General.</p> <p>" 15. Relative to the blockade.</p> <p>" 16. Resolutions relative to the resolutions passed by Tennessee.</p> <p>" 17. Copy of the Act to prevent speculations, extortions and monopolies, to be sent to Governors of each State in Confederacy.</p> <p>" 18. Tax Collectors and Comptroller General as to settlements for taxes raised by sale of lands of alien enemies.</p> <p>" 19. Census Takers.</p> <p>" 20. Committee on Penitentiary.</p> <p>" 21. Repeal or modification of the Sequestration Act recommended.</p> <p>" 22. Tender of State Troops to Confederate Government.</p> <p>" 23. Supreme Court Reports to be sent to Dade county.</p> <p>" 24. Relative to establishing a mail route from Bengal to Reidsville.</p> <p>" 25. Asserting Georgia's right to all lands within her limits.</p> <p>" 26. Adjournment of General Assembly.</p> |
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(No. 1.)

Resolved, That the Committee on Finance of the Senate and House of Representatives, be instructed to act as a joint committee and report appropriate bills, so soon as it may be practicable, to the House of Representatives, (where alone such bills can originate,) upon the following subjects, to-wit:

1st. Authorizing the Inferior Courts of the several counties in this State, to levy such extra tax as may be necessary to defray the expenses said counties have incurred in raising and equipping companies for the war and providing for the families of said companies.

2nd. Providing for the equalization of said burthens throughout the State, so that each county may bear its *pro rata* share of said burthens.

3d. Authorizing and requiring the assumption by the State of the existing Confederate War Tax.

Assented to Nov. 16, 1861.

Finance Committee of both Houses to act as a joint Com.

To report a bill to authorize each co. to raise a co. war tax for certain purposes.

To report a bill to equal such tax among all the counties in the State.

To report a bill for State to assume the Confederate War Tax in Georgia.

Speculation, Monopoly and Extortion.—Messrs, Clark and Tucker.—Confederate States Senators.

(No. 2.)

Preamble. WHEREAS, A system of speculation, monopoly and extortion, in many articles absolutely necessary to subsistence of the people, is now being practiced in the State by selfish, base, and unprincipled persons, in violation of the common dictates of humanity and patriotism—be it therefore

Judiciary Committee of Senate and House to confer together and report bill to suppress speculation and extortion. *Resolved*, That the Judiciary Committees of the Senate and House of Representatives jointly be, and they are hereby instructed to enquire into the power of the General Assembly to suppress such speculation, and report by bill or otherwise, as early as practicable, the most effectual means of accomplishing such suppression.

Assented to November 16, 1861.

(No. 3.)

The Rev. Messrs. Clark and Tucker, Agents for the Georgia Hospital Association being present on a mission in behalf of said Association,

Messrs. Clark & Tucker Agents of Georgia Hospital Association. *Resolved by the Senate, with the concurrence of the House of Representatives*, That the Senate repair to the Representative Hall, this day at 12 o'clock, M., to hear from said gentlemen on the subject of their mission, for one hour.

Assented to November 16, 1861.

(No. 4.)

Preamble. WHEREAS, It has been made the duty of the present Legislature, under the newly adopted Constitution of the State of Georgia, to elect two Senators to the Congress of the Confederate States of America, therefore be it

Election of Confederate States Senators. *Resolved, by the Senate and House of Representatives in General Assembly met*, That the Senate meet the House of Representatives, in this Hall, on Tuesday, the 19th instant, at 11 o'clock, A. M., to elect two Senators to the Confederate Congress, under the provisions of the Constitution of the State of Georgia.

Assented to November 18, 1861.

(No. 5.)

Preamble. WHEREAS, The crisis upon the country produced by war and financial embarrassments, imperatively calls for the adoption of a system of retrenchment in the reduction of expenses of the Government by reducing the salaries of the principal officers and otherwise, thereby relieving the people of Georgia, to some extent, from the burdens of taxation, which are pressing upon them, therefore be it

Committee to report bill to reduce salaries. *Resolved*, That a special committee of five be appointed by the House to confer with a like committee to be appointed by the Senate, to take into consideration the propriety of reducing the salaries of all the principal officers of the State, and *per diem* pay of

Deaf and Dumb.—John Sapp.—Boundary between Georgia and Florida.

members of the Legislature, and to what extent this reduction shall be made, and to report by bill or otherwise, at the earliest day practicable; and to request our members in Congress to use their influence to have the salaries of officers of the Confederate Government, both civil and military, reduced.

Assented to November 16, 1861.

Our Congressmen requested to use their influence to have salaries of Confederate officers reduced.

(No. 6.)

Resolved, That the standing committee of the Senate and House of Representatives on the Deaf and Dumb Asylum, be constituted a joint standing committee for the investigation of the of the affairs of the same; that His Excellency the Governor, be required to furnish said committee any documents or communications which he may have in his possession pertaining to the same; and that this resolution be transmitted to the House of Representatives for its concurrence, immediately.

Assented to November 18, 1861.

Joint Committee on Deaf and Dumb Asylum.

(No. 7.)

WHEREAS, Lot of Land No. 10, in the 11th District of originally Early, now Mitchell county, was reserved among others for school purposes, and not drawn for in the Land Lottery; *And whereas*, Said Lot No. 10, was sold under Executive order, at public outcry, and knocked off to one Bradley for a valuable consideration, whereupon the said Bradley received from the Sheriff making the sale as aforesaid, a certificate of said sale and purchase, upon which to receive a grant of said Lot No. 10; *And whereas*, Said certificate was transferred to one John M. Robinson, and by said Robinson to John Sapp of Mitchell county, which certificate has been lost and [or?] destroyed; therefore be it

Resolved by the General Assembly, That the Governor be authorized to cause to be issued to John Sapp, a grant to said Lot of Land No. 10, in the 11th District of originally Early, now Mitchell county.

Preamble.

Governor to issue grant to Jno. Sapp, to lot No. 10 11th District of old Early, now Mitchell county.

Assented to November 22, 1861.

(No. 8.)

Resolved by the Senate and House of Representatives, That Georgia is deeply concerned in having the boundary line between her and her sister State of Florida, permanently settled and fixed. An end to the unfortunate controversy, which has been pending so long, is due alike to the citizens of both States, bordering upon the line of dispute. The settlement of this question is demanded that no infringement upon the sovereignty of either State shall happen, nor any question arise, as to conflicting jurisdictions. The undisputed right of citizenship and allegiance should no longer be kept in doubt; and the limits of the respective sovereignties should be fully determined, recognized and understood.

Boundary line between Georgia and Florida.

Treaty of
1795.

Mode of
running the
line under
the treaty of
1795.

The Legislature of Georgia desires to address the Legislative authority of Florida in a spirit of amity and kindness; and to appeal to her, upon the principles of comity and good neighborhood, to contribute everything she can, compatible with her honor and sense of right, to the adjustment of our unsettled boundary, a source of irritation, discontent and dissatisfaction. The State of Georgia is not unaware of the points of difference existing ever since the treaty between the United States and Spain, of 1795, (and even prior thereto.) She understood her boundary. The 3rd Article of the Treaty of 1795 defines what should be the correct line of division; which is in these words: "The southern boundary which divides their territory from the Spanish Colonies of East and West Florida, shall be designated by a line beginning on the river Mississippi, at the northernmost part of the thirty-first degree of latitude north of the Equator, which from thence shall be drawn east to the middle of the river Apalachicola or Chattahoochee, thence along the middle thereof to its junction with the Flint; thence straight to the head of the St. Mary's river, and thence down the middle thereof to the Atlantic Ocean." Commissioners were appointed under the treaty to perform their duty in running the line designated by the terms thereof; and the mode of proceeding by said treaty, is declared thus: "In order to carry the preceding Article (the 3rd Article,) into effect, one Commissioner and one Surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the other side of the river Mississippi, before the expiration of six months from the ratification of this Convention; and they shall proceed to run and mark this boundary according to the stipulations of said Article. They shall make plats, and keep journals of the proceedings, which shall be considered part of this Convention; and shall have the same force as if they were inserted therein." From the Mississippi to the Chattahoochee they executed their commission according to the stipulations of the treaty. The remaining part of their duty they failed to perform. The point of departure and the point of termination are both fixed by the treaty; and it is provided that said Commissioners should run and mark, to and from those points. The points referred to are from the junction of the Flint and Chattahoochee rivers, to the head of the St. Marys. It is a historical fact that no surveys were made between the junction of the Flint and Chattahoochee rivers, and the head of the St. Marys, on account of Indian disturbances; that Ellicott designated on his plat, Mound B., as being a little north of the head waters of the St. Marys, and being the northern branch of the said river, and consented that this point should indicate the true source of said stream, may probably be insisted upon; but the fact is unquestionable that no such power was given him; he having power to act as a simple Commissioner, his duties and powers being limited by the treaty, which was the supreme law of the land. The evidence now exists that, at the time the Commissioners were endeavoring to ascertain the head of the St. Marys river, that, on account of the heavy rains and heavy freshets conse-

Boundary between Georgia and Florida.

quent thereupon, the low, flat district of country from whence the source of the river takes its rise, it was impossible for them to determine the fact. In fact Mound B. is not near the head source of said river, which is now, (since the country is settled,) capable of the fullest and most conclusive proof. Florida insists that Mound B. should be regarded the fixed point to determine the head waters of the river St. Marys. Georgia insists that the most southern branch of the river is the longest, and has the greatest volume of water; and, therefore, that the dividing line between the two States, from the junction of the Flint and Chattahoochee rivers, should be run to the head of the most southern stream. Thus, it will be seen, that if Georgia insists upon her view of the subject, she will claim a considerable portion of the territory of the State of Florida, and include many valuable citizens within the jurisdiction of Georgia. On the other hand, if Florida should adhere to her views, she would embrace a part of the territory of Georgia, and also take within her jurisdiction many of the recognized citizens of Georgia. It is obvious to the two States, holding these adverse positions, and insisting upon the abstract rights set up by each, a settlement of the contested boundary is impossible without long and tedious litigation between the two States, and before the Supreme Court of the Confederate States. The two sovereignties, from their position, being competent to adjust these differences, it seems to the Legislature of Georgia that the question of boundary between them can be settled in a manner more compatible with the dignity, peace, friendship, amity, and good will of both.

The General Assembly, to avoid further dispute, proposes to her sister State, Florida, that what is denominated the Watson line, (which will leave in the limits of this State, the fractional lots of land heretofore sold under an Act of her Legislature,) shall be adopted as the boundary line. The settlement upon this basis, will not interfere with the rights of citizenship, as claimed by the citizens of either State. The position of the two States, united by a common interest, and sharing perils alike with each other in resisting a common enemy, are considerations which require that border difficulties and disputes, and all causes of irritation, should be put an end to.

Be it therefore resolved, That his Excellency the Governor, be requested to transmit the foregoing preamble and these resolutions, to his Excellency the Governor of Florida, with a request that he submit the same to the Legislature of Florida.

And resolved further, That the Governor do appoint two Commissioners to visit the Seat of Government of the State of Florida; who are hereby clothed with authority to negotiate and settle the boundary line, with the authorities of Florida, upon the terms prescribed in the aforesaid recital and preamble, or upon such other terms as will include within the limits of Georgia, the lots and fractional lots of land disposed of by the authorities of the State of Georgia.

Assented to Dec. 11, 1861.

Rev. C. W. Thomas — Confederate States.—Offices of Surveyor Gen. and Sec'y of State.

(No. 9.)

Preamble.

Whereas, Rev. C. W. Thomas, formerly Chaplain in the U. S. Navy, was the first to resign his position and tender his resignation to the U. S. Government; and *whereas*, he has not been assigned any position in the service of the Confederate States, therefore,

Rev. C. W. Thomas.

Resolved, That the General Assembly of the State of Georgia, do respectfully request the Congress of the Confederate States, or the War Department, to provide for the said Rev. C. W. Thomas, some position either in the Army or Navy of the Confederate States, correspondent to the rank and position held by him in the Navy of the United States.

Assented to December 11, 1861.

(No. 10.)

Dissolution of the old Union.

Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That it is the sense of this General Assembly, that the separation of those States now forming the Confederate States of America, from the United States is, and ought to be final and irrevocable; and that Georgia will, under no circumstances, entertain any proposition from any quarter, which may have for its object a restoration or re-construction of the late Union, on any terms or conditions whatever.

War to be prosecuted to independence

Resolved, That the war which the United States are waging upon the Confederate States, should be met on our part, with the utmost vigor and energy, until our independence and nationality are unconditionally acknowledged by the United States.

Georgia's pledge to stand by the other seceded States.

Resolved, That Georgia pledges herself to her sister States of the Confederacy, that she will stand by them throughout the struggle—she will contribute all the means which her resources will supply, so far as the same may be necessary to the support of the common cause, and will not consent to lay down arms until peace is established on the basis of the foregoing resolutions.

Approved December 11th, 1861.

(No. 11.)

Preamble.

Whereas, By an Act passed at the present Session of the General Assembly, the offices of Surveyor General and Secretary of State, have been consolidated; and *whereas*, many of the Maps and Charts in the Surveyor General's office are very much mutilated and worn out;

Duties and pay of Secretary of State in Surveyor's office.

Be it resolved, by the Senate and House of Representatives, That the Secretary of State for the time being, and his successors in office, be, and he is hereby required to make new all Maps and Charts, that are now worn out or mutilated, and see that the Records in said office are preserved and neatly kept; and as a compensation for his services, the Secretary of State, for the time being, and his successors in office, shall receive all the fees arising in the Surveyor General's office, of whatever kind..

Assented to December 14, 1861.

(No. 12.)

The Committee on the state of the Republic, to whom the Joint Resolutions of the Legislature of Tennessee were referred, have had the same under consideration, and instruct me to report that it is with pride and gratification that they see in the spirit of the propositions of our sister State, (the chief products of whose soil are provisions,) the manifestation of a lofty and unselfish patriotism, worthy of emulation, and in keeping with the exalted character of the "Volunteer State," and they recommend the passage of the following resolutions, and that the same, together with the propositions of the State of Tennessee, be published in the Milledgeville newspapers of this State. Report.

Resolved, That the Legislature of the State of Georgia most earnestly recommend to the planters of this State, to reduce the quantity of the Cotton Crop for the year 1862, and to grow grain and other provision crops, not only in sufficient quantities to supply the consumption of our people at home, but for the supply of our troops in the field. Planters of Georgia recommended to reduce their cotton, and increase their grain crops.

Resolved further, That his Excellency, the Governor, be requested to forward a copy of this report to the Governor of Tennessee, and the Governors of each of the other Confederate States, with request that the same be laid before their respective Legislatures, if in session; and that he also forward a copy to the President of the Confederate States. Copy of this Report and Resolutions to be sent to the Governors of all the States in the Confederate States.

Assented to December 14, 1861.

(No. 13.)

Resolved, That the Comptroller is hereby directed to issue such instructions to Tax Collectors throughout Georgia, as will prevent all further proceedings for the sale of lands heretofore held by persons now alien enemies, until after the General Assembly shall have taken further action on the subject. Sale of property of alien enemies.

Assented to December 14, 1861.

(No. 14.)

Whereas, By a Joint Resolution of this General Assembly, the Comptroller General is directed to issue such instructions to Tax Collectors throughout Georgia as will prevent further proceedings for the sale of lands heretofore held by alien enemies, until after the General Assembly shall have taken further action on the subject. Preamble.

And Whereas, The above stated Resolution does not direct the Comptroller General how to settle with Tax Collectors when they wish to make their final settlement and obtain a full receipt, for remedy thereof, Preamble.

Be it further Resolved, By the General Assembly of Georgia, That, upon any Collector producing to the Comptroller General a

Blockade.—Resolutions from Tennessee.

Duties of
Tax Collec-
tors and
Comptroller
General in
regard to
settlements
on account of
sales of lands
of alien ene-
mies.

certificate from the Inferior Court of his county, stating the name or names of the alien enemies whose land is now subject to be sold for taxes, and further certifying the amount of State tax due on the same, the Comptroller General, if satisfied that the amount stated is correct, is hereby authorized to allow the Tax Collector credit for the same, on his account, together with any reasonable advertising fee which said Collector may have paid for advertising said lands; and that such settlements be entered on the Comptroller's book, in the same manner that settlements now made with the Tax Collector are entered on the Books of said office.

Assented to December 16, 1861.

(No. 15.)

Whereas, The Ports of the Confederate States of America are now blockaded, or attempted to be blockaded by the Government of the so-called United States; *And Whereas*, said Confederate States are not now receiving any revenue in consequence of said attempted blockade:

Relative to
the Block-
ade.

Be it therefore Resolved, That the State of Georgia in General Assembly met, do urge her Representatives in the Congress of the Confederate States, to exert their influence to open the Ports of the Confederate States, free of duty, to all friendly nations, during the existence of the War between the Confederate States and the so called United States.

Assented to December 16, 1861.

(No. 16.)

Resolutions
of the Legis-
lature of
Tennessee.

Resolved, The House concurring, 1st. That, in the opinion of this General Assembly, the disinterested spirit of fraternity and regard for the common welfare breathed in the resolutions of the State of Tennessee, now under consideration, is worthy of all admiration, and of all emulation.

We would assure the General Assembly of Tennessee, and through that body, the people of the State, that the people of Georgia warmly reciprocate the kind spirit so manifest, not only in the Resolutions, but in all the acts of Tennessee towards her sister Confederate States. To the other Confederate States of America, we also take occasion to extend the friendly greetings of Georgia. We would assure them that, while we honor Tennessee for the sagacity, as well as patriotism of the proposition under consideration, we, and the people we represent, sincerely *cherish* for each of them the warmest sentiments of admiration and of amity. A common cause, a common destiny—the common suffering of our soldiers in the field, side by side with each other, keep us all continually reminded that, *we are brethren*.

Sentiments
of Tennessee
Resolutions
approved, and
their policy
recommended.

Resolved, 2nd, That the proposition of Tennessee meets the hearty concurrence of our judgment; and we recommend the policy therein set forth to the careful consideration of every planter in Georgia.

Monopolies and Extortion—Land of alien enemies.

Resolved 3d, That the Resolutions of Tennessee be entered on our Journals, together with these Resolutions; and the Governor is hereby requested to transmit these Resolutions to the Governor of Tennessee, with a request that he deliver the same to the General Assembly of that State.

To be entered on the Journals.
Copy of these Resolutions to be sent to Governor of Tennessee.

Assented to December 16, 1861.

(No. 17.)

Resolved, by the Senate and House of Representatives of the State of Georgia, That His Excellency be, and he is hereby requested to have transmitted to each of the Governors of the Confederate States, a copy of the Act passed by the General Assembly of Georgia, entitled "An Act to prevent monopolies and extortions in this State," with the request that the same shall be laid before the General Assemblies of said States respectively.

Act to prevent speculations, monopolies, &c., to be sent to the Governors of all the States in the Confederacy.

Resolved, That we most respectfully solicit the General Assembly of each of said States, to take such action as to them may seem best to prevent monopolies and extortion, with a view to equalize the prices of necessity, and army supplies.

Assented to December 16, 1861.

(No. 18.)

WHEREAS, By a Joint Resolution of this General Assembly, the Comptroller General is directed to issue such instructions to Tax Collectors throughout Georgia, as will prevent further proceedings for the sale of lands heretofore held by alien enemies, until after the General Assembly shall have taken further action on the subject:

Preamble.

And Whereas, The above stated Resolution does not direct the Comptroller General how to settle with Tax Collectors when they wish to make their final settlement and obtain a full receipt, for remedy thereof.

Preamble.

Be it further Resolved, By the General Assembly of Georgia, That, upon any Collector producing to the Comptroller General a certificate from the Inferior Court of his county, stating the name or names of the alien enemies whose land is now subject to be sold for taxes, and further certifying the amount of State tax due on the same, the Comptroller General, if satisfied that the amount stated is correct, is hereby authorized to allow the Tax Collector credit for the same, on his account, together with any reasonable advertising fee which said Collector may have paid for advertising said lands; and that such settlements be entered on the Comptroller's book, in the same manner that settlements now made with the Tax Collector, are entered on the Books of said office.

Settlements between Tax Collectors and Comptroller Gen. as to taxes raised by sale of lands of alien enemies.

Assented to December 16, 1861.

(No. 19.)

WHEREAS, There are many Census Takers, who performed the

Penitentiary.—Sequestration Act.

Preamble.

duties of their office of Census Taker, for their respective counties, in taking the Census for the old United States before the separation of the State of Georgia from the old Union; *And Whereas*, on the account of the withdrawal of the State from the old Union, the authorities of the old United States have refused to pay them for the services rendered in taking the Census of this State :

Census
Takers.

Be it Resolved, That we do most respectfully call the attention of our Members in Congress at Richmond, to take into consideration, and make provision for the payment of such as have not received their compensation for such services rendered.

Assented to Dec. 16, 1861.

(No. 20.)

Committee
on Peniten-
tiary.

Resolved, By the Senate and House of Representatives, That after the close of the present Session, the Governor is requested to appoint two competent persons, who, in connection with the Pfincipal Keeper, shall consider the propriety of classifying and separating the convicts in the Penitentiary; with reference to ages, grades of offence and general character;

Also the practicability of arranging the present Institution to accomplish the end proposed; and that said appointees make their report to the next Session of the General Assembly, with the plans, if any, that may be suggested, and especially the smallest amount of expenditure necessary in the premises.

Assented to December 16, 1861.

(No. 21.)

Preamble.

The Committee on the State of the Republic, having had under consideration the provisions of the Sequestration Act passed by the Provisional Congress, at its last Session, ask leave to report for the consideration of the House, the following Resolutions:

Repeal or
modification
of the Se-
questration
Act recom-
mended.

1. *Resolved*, That, if it shall not be deemed expedient to repeal the Sequestration Act, such modifications of, or amendments thereto, be made, as that the same shall not prevail oppressively, or injuriously to our own people; and to that end;

Certain modi-
fications re-
commended.

Resolved further, That *whereas*, by the laws of nations, debts due to alien enemies are suspended, and bear no interest during the continuance of the War; it is the sense of this General Assembly, that said Act should not require the payment of debts due to alien enemies, during the existence of the war; but it should require only the evidence of the indebtedness to be returned and placed of record, without security demanded and taken for the ultimate payment of the same.

In case of
mutual debts
&c.

Resolved further, That where there are mutual debts between a debtor and an alien enemy, or where such debtor shall hold equitable claims against *Alien Enemies*, the same may be pleaded and set off in the district court, to which the debt is returned.

State Troops.—Books for Dade county.

Resolved further, That the Sequestration Act should take effect from and after the date of its passage, and not from the 21st of May, as now provided.

Recommends that act take effect from its date.

Resolved further, That persons laboring under the disabilities of coverture or infancy, and consequently incapable, though desiring to change their domicile, and who are not actual enemies to the Confederate States, should be exempt from the operations of said Act.

In case of coverture, infancy &c.

Resolved, That our delegation in Congress be respectfully requested to urge the recommendations contained in these resolutions; and that his Excellency, the Governor, be requested to forward to our delegates in Congress, copies thereof.

Copy of these resolutions to be furnished to our members in Congress.

Assented to December 16, 1861.

(No. 22.)

Resolved, By the General Assembly of Georgia, that the Governor be, and he is hereby authorized and instructed to tender to the Confederate Government the volunteer forces called into service under the law of 1860, or which may hereafter be called into service for the State defence, in companies, battalions, regiments, brigades or divisions, as may be found to be acceptable to the War Department of the Confederate States; *Provided*, That the Confederate States will receive them for the term of their enlistment and for local defence in this State, under the act of Congress to provide for local defence and special service, approved August 21, 1861; *And provided further*, That, if the Confederate States shall not accept said troops, in that event the troops shall remain in service as State troops, under the terms of their enlistment; *And provided further*, That such tender shall be made, so far as the troops now in the State are concerned, before the 15th day of January next, and before a greater sum than one million of dollars is raised or expended as provided for in the 20th Section of the general appropriation bill; *And provided further*, That none of said troops shall be transferred to the Confederate service without their full consent, first fairly obtained, by companies, if organized as independent companies, by battalions, if organized in independent battalions, or by regiments if organized in regiments.

Tender of State Volunteers to Confederate Government.

Be it further Resolved, That we earnestly recommend the Confederate Government to receive said State forces, should they assent, with all their field and general officers; and, if there be no law now authorizing such acceptance, we respectfully request our Senators and Representatives to urge the passage of a bill to effect so desirable an object.

Confederate Government requested to receive them.

Assented to December 16, 1861.

(No. 23.)

WHEREAS, The county of Dade has not been furnished with the first, second and third volumes of Kelley's Reports of the Supreme Court of the State of Georgia; *And Whereas*, the fourth, fifth, sixth,

Preamble.

Mail Route.—Land in the limits of Georgia.

Certain copies of the Reports of the Supreme Court, to be furnished to Dade county.

seventh, eighth, ninth, tenth and eleventh volumes of Cobb's Reports of the Supreme Court of the State of Georgia, were furnished said county, and were destroyed by fire in the burning of the Court-House of said county; therefore,

Resolved by the General Assembly, That his Excellency the Governor, be authorized and requested to furnish said county with said volumes of Reports, or such number as may be in his control; and that he cause them to be forwarded with the Laws and Journals of this session of the Legislature.

Assented to December 16, 1861.

(No. 24.)

Mail route from Bengal to Reidsville, recommended.

Resolved by the Senate and the House of Representatives of the State of Georgia in General Assembly met, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to have established a mail line, for weekly service, from Bengal in Bulloch county, (the present terminus of a mail line from Halcyondale on the Central Railroad,) by the way of William DeLoach's mills in Bulloch county, thence to Ben. Brewton's mills in Tatnall county, and thence to Reidsville in said county of Tatnall; and that our Senators and Representatives in Congress, be furnished with copies of this Resolution.

Assented to December 16, 1861.

(No. 25.)

Georgia asserts her right to all lands within her limits.

Resolved, 1st. The Senate concurring, That this General Assembly deems it due to the sovereignty of Georgia, to declare that Georgia asserts her ancient, paramount right of original proprietary interest and title, in and to all the lands within the limits of the State; and that she will not permit her present attitude and action, or any action upon the part of any power, to be construed against her in the future, as a precedent calculated to show, in the least, that she has, in anywise, yielded this great right. Georgia therefore enters her solemn request of record, that the Sequestration Act recently passed by the Provisional Confederate Congress, shall not be so proceeded upon, or so construed, as to raise any question as to the sovereign rights of the State over all of the lands within her limits.

Lands in Georgia of Alien enemies.

Resolved, 2d. That the land heretofore held by persons now alien enemies, ought not, at this time, to be sold for any purpose; but that the same should lie as it now does, subject to the sovereign, paramount right Georgia has, in and to the same.

Copies of Resolutions to be sent to our members in Congress.

Resolved, 3d. That a copy of these Resolutions be transmitted to our delegates in the Provisional Confederate Congress; and that the same be also transmitted to the Senators and Representatives of Georgia in the Confederate Congress.

Assented to December 16, 1861.

Adjournment.

No. 26.

Resolved; That the General Assembly adjourn *sine die* on Saturday the fourteenth instant.

Adjourn-
ment of Gen-
eral Assem-
bly.

WARREN AKIN,
Speaker of the House of Representatives.

J. B. ESTES,
Pro Tem, Clerk House of Representatives.

JOHN BILLUPS,
President of the Senate.

JAMES M. MOBLEY,
Secretary of the Senate.

Read and adopted in each House, 10th December, 1861.*

* Resolutions on adjournment do not require under the Constitution, the signature of the Governor.

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